

Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Twenty-fourth Legislative Assembly In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 7th, 1935, and
Ending March 7th, 1935

Including Constitutional Amendments Voted Upon by the People
at the General Election held November 6th, 1934

PUBLISHED BY AUTHORITY

STATE PUBLISHING CO., HELENA, MONT.



CERTIFICATE OF AUTHENTICATION

State of Montana
Department of
Secretary of State } ss.

I, Sam W. Mitchell, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions, memorials and appropriations that were passed at the Twenty-fourth Regular Session of the Legislative Assembly of the State of Montana, held at Helena, the seat of Government of said state, commencing January 7th, 1935, and concluding March 7th, 1935, and, in addition, true and correct copies of Constitutional amendments adopted by the people of Montana at the general election, held November 6th, 1934.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this 1st day of May, A. D. 1935.

Great Seal
of the State
of Montana



Secretary of State.

OFFICERS AND MEMBERS

OF THE

24th Legislative Assembly of the State of Montana

W. ELMER HOLT, President of the Senate Pro Tem

W. P. PILGERAM, Speaker of the House

STATE SENATORS

NAME	Residence	County	Politics
Anderson, Alfred R.	Sioux Pass	Richland	Democrat
Angvick, Lars	Reserve	Sheridan	Republican
*Armstrong, Bert B.	Livingston	Park	Democrat
Arnold, S. C.	Broadview	Stillwater	Republican
Baker, F. E.	Libby	Lincoln	Democrat
Benjamin, H. E.	Shelby	Toole	Democrat
Blankenbaker, V. F.	Virgelle	Chouteau	Democrat
Campbell, John L.	Missoula	Missoula	Republican
*Carey, Emmett	Glendive	Dawson	Republican
*Carroll, L. Ray	Roundup	Musselshell	Republican
*Church, W. R.	Helena	Lewis and Clark	Democrat
Clifford, Frank H.	Havre	Hill	Democrat
*Coburn, John W.	Cut Bank	Glacier	Republican
Colbo, George A.	Baker	Fallon	Democrat
Cooper, George R.	DeBorgia	Mineral	Republican
Cotter, Chas. P.	Townsend	Broadwater	Republican
*Danielsen, T. P.	Poplar	Roosevelt	Democrat
*Delaney, F. W.	Terry	Prairie	Democrat
Eaton, Ernest T.	Polytechnic	Yellowstone	Republican
*Ekegren, E. P.	Harlem	Blaine	Republican
Garrison, J. B.	Reichle	Madison	Republican
Groff, H. C.	Victor	Ravalli	Democrat
Hammond, W. L.	Carlyle	Wibaux	Democrat
*Harris, Orville	Wh. Sulphur Spgs.	Meagher	Republican
Hennessey, W. B.	Conrad	Pondera	Democrat
Hollenback, B. D.	Buffalo	Judith Basin	Republican
Holt, W. Elmer	Miles City	Custer	Democrat
Holton, Albert	Cohagen	Garfield	Republican
*Kalberg, F. S.	Circle	McCone	Republican
*Keeley, W. E.	Deer Lodge	Powell	Republican
*Kelsey, Frank T.	Moorhead	Powder River	Republican
*Kilduff, J. F.	Malta	Phillips	Democrat
*Lamp, F. M.	Big Timber	Sweet Grass	Republican
Larson, T. O.	Choteau	Teton	Republican
Liess, Frank	Forsyth	Rosebud	Republican
*MacGillvra, E. E.	Polson	Lake	Republican
Melton, George M.	Dillon	Beaverhead	Democrat
Meyer, Harry	Butte	Silver Bow	Democrat
*Murphy, Thomas F.	Anaconda	Deer Lodge	Democrat
Nass, J. N.	Glasgow	Valley	Democrat
O'Day, R. S.	Great Falls	Cascade	Democrat
Oliver, John	Ekalaka	Carter	Republican
Page, John R.	Philipsburg	Granite	Democrat
*Parkin, E. J.	Bozeman	Gallatin	Republican
Pauline, Robert	Kallispeil	Flathead	Republican
*Plank, Leonard	Chester	Liberty	Democrat
*Plumer, A. J.	Hysham	Treasure	Democrat
*Putnam, John A.	Hardin	Big Horn	Democrat
Shannon, Ray N.	Thompson Falls	Sanders	Democrat
Sibbert, Henry N.	Winnett	Petroleum	Republican
*Simmons, H. A.	Red Lodge	Carbon	Republican
*Sparling, J. T.	Flaxville	Daniels	Democrat
Stevens, I. Thayer	Harlowton	Wheatland	Republican
Sullivan, M. J.	Alhambra Hot Sp.	Jefferson	Democrat
*Thien, Henry	Ryegate	Golden Valley	Independent
Wass, L. M. A.	Roy	Fergus	Democrat

*Holdover. Elected in 1932.

C. J. McALLISTER, Secretary.

House of Representatives

NAME	Residence	County	Politics
Acher, John W.	Zurich	Blaine	Democrat
Ahlgreen, Carl A.	Ronan	Lake	Republican
Anderson, Eric	Regina	Phillips	Republican
Balgord, O. P.	Lavina	Golden Valley	Republican
Ballard, Jack	Carlyle	Wibaux	Democrat
Bertsche, W. H.	Great Falls	Cascade	Democrat
Boone, William T.	Deer Lodge	Powell	Democrat
Brennan, J. P.	Sidney	Richland	Democrat
Burris, Gene	Anaconda	Deer Lodge	Democrat
Busch, L. W.	Baker	Fallon	Republican
Buttelman, Wm. H.	Willow Creek	Gallatin	Democrat
Byrne, E. J.	Galata	Toole	Democrat
*Caldwell, V. D.	Billings	Yellowstone	Republican
Chamberlain, Clarence	Sand Creek	McCone	Republican
Chapman, D. W.	Peerless	Daniels	Democrat
Conner, J. B.	Farmington	Teton	Democrat
Connors, Cain	Butte	Silver Bow	Democrat
Coultas, J. E.	Conner	Ravalli	Republican
Cusick, W. M.	Kalispell	Flathead	Democrat
Doe, M. Everett	Philipsburg	Granite	Democrat
Ecton, Zales	Manhattan	Gallatin	Republican
Egan, Hugh	Lewistown	Fergus	Republican
Emmett, M. F.	Fromberg	Carbon	Democrat
Emmons, R. A.	Anaconda	Deer Lodge	Democrat
Ewing, G. L.	Judith Gap	Wheatland	Democrat
Foor, Arlie M.	Wolf Point	Roosevelt	Republican
Fowler, C. W.	Billings	Yellowstone	Republican
Goodwin, Phil C.	Butte	Silver Bow	Democrat
Gordon, Geo. D.	Fort Benton	Chouteau	Democrat
Gray, Claude C.	Big Timber	Sweet Grass	Democrat
Green, Henry R.	Lindsay	Dawson	Republican
Groene, Merle C.	Lewistown	Fergus	Democrat
Haight, Herbert	Suffolk	Fergus	Democrat
Hall, DeLoss	Ekalaka	Carter	Republican
Hamilton, E. D.	Plains	Sanders	Democrat
Harlen, Harry C.	Chinook	Blaine	Democrat
Harwood, Ben	Billings	Yellowstone	Republican
Haugan, K. O.	Fishtail	Stillwater	Republican
Heavlin, J. B.	Missoula	Missoula	Democrat
Hedden, Henry T.	Billings	Yellowstone	Democrat
Helding, Oscar	Missoula	Missoula	Democrat
Hinerman, S. A.	Larslan	Valley	Democrat
Joffray, E. N.	Clancy	Jefferson	Democrat
Johnson, Theodore J.	Bloomfield	Dawson	Democrat
Kathan, A. E.	Brady	Pondera	Democrat
Kelly, W. G.	Kalispell	Flathead	Democrat
Kruse, Albert H.	Brusett	Garfield	Republican
Kuhl, Herman	Luther	Carbon	Democrat
Lasby, W. D.	Townsend	Broadwater	Republican
Leary, J. E.	Eureka	Lincoln	Democrat
Leavitt, William B.	Miles City	Custer	Republican
Lemmer, Frank	Great Falls	Cascade	Democrat
Liggett, J. A.	Roundup	Musselshell	Republican
Lippard, Gordon J.	Loma	Chouteau	Democrat
†Logan, E. U.	Billings	Yellowstone	Republican
Lott, Mortimer J.	Twin Bridges	Madison	Republican
Lovell, Edward F.	Anaconda	Deer Lodge	Republican
McCausland, Jack	Forsyth	Rosebud	Democrat
McLaughlin, John	Stevensville	Ravalli	Republican
Manning, D. M.	Hysham	Treasure	Democrat
Masteron, James W.	Miles City	Custer	Democrat
Metlen, Joe	Armstead	Beaverhead	Democrat
Miller, Guy A.	Flaxville	Roosevelt	Democrat
Miller, Robert J.	Lodgegrass	Big Horn	Democrat
Minette, C. H., Dr.	Cut Bank	Glacier	Democrat
Mitchell, Harry	Butte	Silver Bow	Democrat
Monahan, George M.	Livingston	Park	Democrat
Moss, G. M.	Whitefish	Flathead	Republican
Mulholland, M. J.	Butte	Silver Bow	Democrat
Mundy, G. F.	Gildford	Hill	Republican
Neary, William	Walkerville	Silver Bow	Democrat
Nelson, Frank J.	Winnett	Petroleum	Democrat
Nutting, L. A.	Laurel	Yellowstone	Democrat

*Deceased January 30, 1935.

†To succeed V. D. Caldwell, deceased.

HOUSE OF REPRESENTATIVES—(Continued)

NAME	Residence	County	Politics
O'Brien, John	Butte.....	Silver Bow.....	Democrat
O'Byrne, Edward	Butte.....	Silver Bow.....	Democrat
O'Connor, George	Fromberg.....	Carbon.....	Republican
Ormsbee, E. R.	Haugan.....	Mineral.....	Democrat
Padbury, Fred H.	Helena.....	Lewis and Clark.....	Republican
Parker, Neil C.	Creston.....	Flathead.....	Republican
Peterson, Ernest A.	Bozeman.....	Gallatin.....	Democrat
Peterson, J. M.	Hinsdale.....	Valley.....	Democrat
Petersen, P. C.	Westby.....	Sheridan.....	Democrat
Pilgeram, W. P.	Armington.....	Cascade.....	Democrat
Quigley, Clyde J.	Malta.....	Phillips.....	Democrat
Ritch, John B.	Lewistown.....	Fergus.....	Democrat
Rolph, H. D.	Joplin.....	Liberty.....	Democrat
Ryan, Thomas	Butte.....	Silver Bow.....	Democrat
Scotfield, Chas. L.	Biddle.....	Powder River.....	Republican
Sexton, Earl M.	Livingston.....	Park.....	Democrat
Sherman, C. H.	Wh. Sulphur Spgs.	Meagher.....	Democrat
Smith, Paul W.	Helena.....	Lewis and Clark.....	Republican
Southmayd, William P.	Great Falls.....	Cascade.....	Democrat
Spiegel, Sam	Butte.....	Silver Bow.....	Democrat
Stevens, Chas. L.	Great Falls.....	Cascade.....	Democrat
Stimatz, Thomas G.	Butte.....	Silver Bow.....	Democrat
Stromnes, Einar J.	Great Falls.....	Cascade.....	Democrat
Toomey, Edmond G.	Helena.....	Lewis and Clark.....	Republican
Watson, Fred	Missoula.....	Missoula.....	Republican
Whaley, Jas.	Terry.....	Prairie.....	Democrat
White, E. C.	Buffalo.....	Judith Basin.....	Democrat
White, Wm. R.	Havre.....	Hill.....	Republican
Worden, Donovan	Missoula.....	Missoula.....	Republican
York, Dr. Edw. E.	Plentywood.....	Sheridan.....	Democrat

JOHN J. JEWELL, Chief Clerk.

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SESSION LAWS

CHAPTER 1

An Act Relating to the Open Season for the Killing and Taking of Elk in Park County, State of Montana, Providing for the Powers and Duties of the Montana State Fish and Game Commission Relative to the Provisions of This Act, Making the Violation of This Act a Misdemeanor, Providing a Penalty for Such Violation and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the open season for elk in Park County, Montana, shall begin October 15th and end March 1st, both dates inclusive; provided, however, that the Montana State Fish and Game Commission shall, in its discretion have power to shorten such season in said territory and declare said territory closed to the hunting or killing of elk at any time during the open season therein upon giving no less than five days' notice thereof, by publishing such notice in at least one newspaper of general circulation, circulated in said county, which said publication shall be at least five days prior to the time fixed by such commission for the closing of such season.

Elk season in
Park County.

Power to
shorten
season.

Notice
required.

Section 2. During the open season for elk in the territory described and set forth in Section 1 of this Act, it shall be unlawful and a misdemeanor punishable as hereinafter provided, for any person to shoot, kill, take, or cause to be shot, killed, or taken more than one elk or for any person during the closed season for elk to pursue, hunt, shoot, kill, take, capture, or cause to be pursued, hunted, shot, killed, taken or captured, or attempt to shoot, kill, or take any elk within said territory, or for any person responsible for the death of any elk to wilfully waste any portion or portions of said elk which are suitable for food.

One elk per
person for
season.

Unlawful to
take during
closed season.

Unlawful to
waste meat.

Section 3. Any person violating any of the provisions of this Act or any of the orders, rules, or regulations,

Penalty.

of the Montana State Fish and Game Commission, relating hereto, or made pursuant to the authority given it by this Act, or other law, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the County Jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Repealing
clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after the date of its passage and approval and shall apply to the current year.

Approved January 12, 1935.

CHAPTER 2

An Act Providing That no Deficiency Judgments Shall Exist After Foreclosure of Mortgages Executed for Securing Payment of Unpaid Balance on the Purchase Price of Real Property and Defining the Term Foreclosure.

Be it enacted by the Legislative Assembly of the State of Montana:

Not entitled
to a deficiency
judgment up-
on foreclosure.

Section 1. Upon the foreclosure of any mortgage, hereafter executed, to any vendor of real property or to his heirs, executors, administrators or assigns, for the balance of the purchase price of such real property, the mortgagee shall not be entitled to a deficiency judgment on account of such mortgage or note or obligation secured by the same.

"Foreclosure"
defined.

Section 2. The term "foreclosure" for the purpose of this Act shall include sale or possession of real property made or taken whether by judicial proceedings or otherwise.

Repealing
clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect immediately upon its passage and approval.

Approved February 5, 1935.

CHAPTER 3

An Act to Amend Section 689, Revised Codes of Montana, 1921, Relating to the Time for Opening and Closing of Polls for Election.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 689, Revised Codes of Montana, 1921, be and the same is hereby amended so as to read as follows:

“Section 689. **Time of Opening and Closing of Polls.** The polls must be opened at eight o'clock on the morning of election day and must be kept open continuously until six o'clock in the afternoon of said day, when the same must be closed; provided that in precincts having less than one hundred (100) registered electors the polls must be opened at one o'clock in the afternoon of election day and must be kept open continuously until six o'clock in the afternoon of said day, when they must be closed; provided, further, that whenever all registered electors in any precinct have voted the polls shall be immediately closed.”

Time of opening and closing polls.

Proviso where less than 100 electors.

Polls to be closed when all electors have voted.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 5, 1935.

CHAPTER 4

An Act to Amend Chapter 57 of the Laws of the Twentieth Legislative Assembly of the State of Montana for the Year 1927, Relating to the Powers, Duties and Limitations of Building and Loan Associations, by Adding a New Section Thereto to be Numbered Section 48A to Provide the Terms Upon Which Certain Building and Loan Associations May be Permitted to Resume Business.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 57 of the Laws of the Twentieth Legislative Assembly of the State of Montana for the year 1927, be amended by adding thereto a new Section to be numbered Section 48A to read as follows:

Procedure for
resumption of
business by
association
under volun-
tary liquida-
tion.

“Section 48A. Any Association under voluntary liquidation as provided in Section 47 of this Chapter or which may be under the possession of the Superintendent of Banks as specified in Section 48 of this Chapter, may resume business as an active Building and Loan Association in the following manner: The Directors of such Building and Loan Association by and with the approval of the Superintendent of Banks, may, upon such terms as may be agreed upon and ratified by the members of such Association, re-organize such Association and resume business as an active Building and Loan Association. Ratification by members thereof shall be expressed at a regular or special meeting of members duly called for that purpose, at which meeting a majority of the outstanding stock voting, either in person or by proxy, shall be sufficient to adopt such proposal. Notice of such meeting shall clearly indicate the purpose of the meeting.”

Stockholders
to ratify.

Notice of
meeting.

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 5, 1935.

CHAPTER 5

An Act Providing for Alternate Jurors in any Civil or Felony Case the Trial of Which is Likely to be a Protracted One, Providing the Method of Drawing Said Jurors and Specifying Their Duties and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

When “alter-
nate jurors”
may be called.

Section 1. Whenever, in the opinion of a judge of a District Court about to try a defendant against whom has been filed any indictment or information for a fel-

ony, or a civil court case, the trial of which is likely to be a protracted one, the court may cause an entry to that effect to be made in the minutes of the court, and thereupon, immediately after the jury is impaneled and sworn, the court may direct the calling of one or two additional jurors, in its discretion, to be known as "alternate jurors."

Such jurors must be drawn from the same source, and in the same manner, and have the same qualifications as the jurors already sworn, and be subject to the same examination and challenges; provided, that the prosecution, or plaintiff, and the defendant shall each be entitled to one peremptory challenge to such alternate jurors.

Qualifications of "alternate jurors."

Challenges allowed.

Such alternate jurors shall be seated near, with equal power and facilities for seeing and hearing the proceedings in the case, and shall take the same oath as the jurors already selected, and must attend at all times upon the trial of the cause in company with the other jurors; and for a failure to do so are liable to be punished for contempt.

Privileges and duties of "alternate jurors" during trial.

They shall obey the orders of and be bound by the admonition of the court, upon each adjournment of the court; but if the regular jurors are ordered to be kept in custody during the trial of the cause, such alternate jurors shall also be kept in confinement with the other jurors; and, except as hereinafter provided, shall be discharged upon the final submission of the case to the jury.

If, before the final submission of the case, a juror becomes ill, so as to be unable to perform his duty, the court may order him to be discharged in that event, or in case a juror should die, the name of an alternate may be drawn, and he shall then take his place in the jury box, and be subject to the same rules and regulations as though he had been selected as one of the original jurors.

When substituted for regular juror.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall take effect upon its passage and approval.

Approved, February 7, 1935.

CHAPTER 6

An Act Amending Section 76 R. C. M. 1921, Providing for the Compensation of Certain Officers and Employees of the Legislative Assembly, and Repealing Chapter 99 of the Acts of the Twenty-third Legislative Assembly of Montana of 1933 and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 76 of the Revised Codes of Montana of 1921 be and the same is hereby amended to read as follows:

Compensation
of officers
and employees.

“Section 76. **Compensation of Other Officers and Employees.** The compensation designated herein shall be paid to the following officers and employees of the Legislative Assembly:

The Secretary of the Senate,
The Chief Clerk of the House of Representatives,
The Sergeant-at-Arms of each House,
The Senate Law Clerk, and
The House Law Clerk,

\$10 per day. Ten Dollars (\$10.00) per day each;

The Assistant Secretary of the Senate,
The Assistant Chief Clerk of the House of Representatives,
The Journal Clerk,
The Engrossing Clerk,
The Enrolling Clerk,
The Bill Clerk, and
The Assistant Sergeant-at-Arms,

\$8 per day. Eight Dollars (\$8.00) per day each;

The Assistant Senate Law Clerk, and
The Assistant House Law Clerk,

(in case such assistants are employed) Seven Dollars (\$7.00) per day each;

\$7 per day.

The Assistant Journal Clerk,
The Assistant Enrolling Clerk,
The Assistant Engrossing Clerk,
Printing Clerk,
Reading Clerk,

The Clerks of the President of the Senate and the
Speaker of the House, and
The Clerks of the Chief Clerk of the House and the
Secretary of the Senate,
Six Dollars (\$6.00) per day each; \$6 per day.

The Committee Clerks,
Doorkeepers,
Janitors,
Assistant Janitors,
Watchmen, and
Chaplain of each House,
Five Dollars (\$5.00) per day each; \$5 per day.

Pages and Messengers,
Four Dollars (\$4.00) per day each; all other employees \$4 per day.
of the Legislative Assembly not herein specifically enu-
merated, Five Dollars (\$5.00) per day each. \$5 per day
for employees
not enumer-
ated.

The salaries herein specified shall be paid for each
and every day of the entire Legislative Session, com-
mencing with the date of employment of the officer
or employee, save and except that any of said officers
or employees whose services are dispensed with for any
portion of the session shall receive pay only for the
number of days during which services are performed
by such officer or employee.”

Time for
which salaries
shall be paid.

Section 2. Chapter 99 of the Acts of the Twenty-third
Legislative Assembly of Montana of 1933 and all Acts
and parts of Acts in conflict herewith are hereby re-
pealed. Repealing
clause.

Section 3. This Act shall take effect and be in full
force from and after its passage and approval.

Approved February 7, 1935.

CHAPTER 7

An Act to Authorize the Erection or Reconstruction by
the State Board of Education of Buildings for the
Montana State Normal College, to Authorize the Bor-
rowing of Money to Pay for the Construction or Re-
construction of Said Buildings, to Issue Bonds and

Create a Fund Out of Which the Principal of and the Interest Upon the Money so Borrowed May be Paid and to Provide That the Money so Borrowed, Shall Not be and Never Shall Become a Charge Against the State of Montana or a Liability, Debt or Obligation of the State of Montana and Declaring the Existence of an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Power to erect
buildings at
Montana
State Normal
College.

Section 1. The State Board of Education is authorized to erect or reconstruct one or more buildings at the Montana State Normal College, at a cost not to exceed Two Hundred Thousand (\$200,000.00) Dollars, for the purpose of providing the necessary administration offices, classrooms, laboratories, auditorium, residence halls, and gymnasium and for such other purposes as, in the judgment of the State Board of Education, may be required for the proper conduct, management and operation of said college.

Title to be
in state.

Section 2. The title to all improvements acquired and erected under the provisions of this Act shall be taken and held in the name of the State of Montana.

Powers of
Board of
Education.

Section 3. In carrying out the above powers, said board may:

Borrow
money.

(a) Borrow money.

Pledge
earnings.

(b) Pledge all the earnings of said institution, including rents and income from residence halls, and one-half ($\frac{1}{2}$) of all income and interest derived from the land grant made by the United States to the State of Montana for the establishment and maintenance of State Normal Schools for the State of Montana, under Section 17, of the Enabling Act of Congress, approved February 22, 1889, entitled: "An Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original states and to make donations of public lands to such states."

Power to issue
and dispose
of bonds or
to contract
with U. S.
agencies.

Section 4. The State Board of Education is hereby authorized to issue and dispose of Montana State Normal College Bonds for the money so borrowed, or to contract with the United States of America, or with the National

Recovery Administration, or with any other organization created by Congress, or by executive order under any Act of Congress, for the repayment of the money so borrowed. Said bonds or contract obligations shall mature in not exceeding forty (40) years, may mature serially, or the principal of and interest on said bonds or obligations may be amortized over a period of years not exceeding forty (40), shall bear interest at a rate not exceeding six per cent (6%) per annum, and shall be payable at such place as may be designated by the State Board of Education. Said board shall prescribe the form and denomination of such bonds or the form of such contract obligation, which bonds or contract obligation shall be signed by the President and Secretary of the said board, to which shall be affixed the Great Seal of the State of Montana. In case bonds are issued, they shall bear upon their face, the words, "Montana State Normal College Bonds", and shall have attached thereto coupons representing the interest to become due thereon at the rate and time specified for each of said bonds, which coupons shall bear the lithographic facsimile signatures of the President and Secretary of the State Board of Education.

Date of maturity.

Interest rate.

Form and denomination.

Section 5. If bonds are issued for the money so borrowed, they shall be disposed of by the State Board of Education in such manner as it shall deem for the best interests of the Montana State Normal College, providing that no bonds shall be sold or disposed of for less than their par value, with accrued interest. Said board may sell bonds to the United States of America, said National Recovery Administration or any other Federal Governmental Organization from which such money may be borrowed, without advertising or offering the same for sale to any other person. In lieu of issuing and selling such bonds, said board may contract directly with the United States of America, the National Recovery Administration, or any other Federal Governmental Organization or Agency authorized to make such loan, provided the obligation for the repayment of the money so borrowed, shall not exceed the amount borrowed, with interest thereon.

How bonds are to be disposed of.

May contract with U. S. agencies.

Section 6. To provide for the payment of the interest on and principal of said bonds or the obligation of any

Provisions for payment.

contract between the State Board of Education and the United States of America, the National Recovery Administration or any other Federal Governmental Agency or Organization from which said money may be borrowed, there is hereby created a special fund to be known as the Montana State Normal College Fund, into which shall be paid annually one-half ($\frac{1}{2}$) of the income and interest realized from the aforesaid land grant to the State of Montana for the establishment and maintenance of normal schools in the State of Montana and all earnings of the Montana State Normal College, including net rents and income derived from residence halls, until the amount so paid into such special fund shall equal the amount of maturing bonds and interest or maturing amortized payments for that year.

"Montana
State Normal
College Fund."

All income to
go to the
fund.

State Treas-
urer custodian
of funds.

Section 7. The State Treasurer is hereby designated as the custodian of said special fund, from which he shall pay the principal of, and interest on said bonds or contract obligations as the same become due and charge the amount thereof to such special fund.

Money from
bonds to go
to fund.

Section 8. The money derived from the sale of said bonds or under any of the aforesaid contract obligations shall be paid directly to the State Treasurer, and shall be kept by him in a special fund to be known as "The Montana State Normal College Building Fund." All disbursements on account of the construction of any building or buildings for said college shall be made from said building fund, pursuant to certificates issued by the local executive board of the Montana State Normal College. Such certificate shall be made in triplicate, one copy of which shall be retained by said local executive board, and two copies of which shall be forwarded to the State Board of Examiners. If found correct, the State Board of Examiners will audit the same, retain one and transmit the other, as audited and allowed, to the State Auditor and shall issue a certificate to the effect that the services have been rendered or material furnished and that the person named therein is entitled to a warrant for the amount therein named. Upon presentation of said certificate, as audited and approved by the State Board of Examiners, the State Auditor shall draw his warrant on said Montana State Normal College Building Fund for the amount stated and to the order

Expenses to
be paid from
fund.

Certificates
for expenses.

State Board
of Examiners
to audit
certificates.

Payment of
certificates.

of the person named in said certificate. Upon presentation of such warrant to the State Treasurer, the same shall be paid by said State Treasurer out of the Montana State Normal College Building Fund.

Section 9. If bonds are issued under this Act, the cost thereof shall be paid out of said building fund. Fees, commissions and compensation of the architect employed in the construction of such building or buildings shall also be paid out of said fund; provided, that Montana labor shall be given preference and under conditions and rates prescribed by the Federal Government for such work. Provided further, that Montana material be used and given preference as far as practical and insofar as not in conflict with the regulations of the President of the United States.

Payment of
bond issue and
outstanding
costs.

Montana
labor and
material to
be used.

Section 10. During the construction of such building or buildings, the local executive board of said college, shall make quarterly reports to the State Board of Education giving a detailed statement of all of its transactions in connection with the construction of such building or buildings.

Quarterly re-
ports on con-
struction to
Board of Edu-
cation.

Section 11. No obligation created hereunder shall ever be or become a charge against or obligation, debt, or liability of the State of Montana, but all such obligations, including principal and interest, shall be payable solely from the aforesaid Montana State Normal College Fund. Nothing in this Act shall be so construed as to in anywise hold the State of Montana liable for the payment of bonds or contract obligations herein authorized, or the interest thereon; provided, however, that the lien hereby created upon one-half ($\frac{1}{2}$) of the income and interest derived from the lands granted to the State of Montana by the United States for the establishment and maintenance of normal schools and upon the earnings of the Montana State Normal College, shall not be breached nor set aside until the bonds and contract obligations authorized by this Act have been fully paid, together with interest thereon.

State not
liable.

Interest and
income
pledged for
payment of
obligations.

Section 12. Any and all Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Emergency
clause.

Section 14. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force and effect from and after its passage and approval.

Approved February 7, 1935.

CHAPTER 8

An Act to Authorize Corporations, Banks, Trust Companies, Insurance Companies, Investment Companies, and Other Financial Institutions Approved as Mortgagees to Obtain Insurance Under the Provisions of Title II of an Act of Congress Entitled "National Housing Act", Approved by the President on June 27, 1934, and Any Amendments Thereto, Now or Hereafter Made, to Make Such Loans on Real Estate as Are Insured, or Under a Commitment Made to Insure, Pursuant to Title II of Said Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Act applicable
to whom.

Authorizing
the obtaining
of insurance
under Title II
of the "Hous-
ing Act."

Section 1. Notwithstanding any other provisions of law of this state restricting the amount of any loan in relation to the value of the real estate, and/or restricting the term of any such loan, and/or restricting the rate of interest on any such loan, it shall be lawful for any corporation, bank, trust company, insurance company, investment company and any other financial institution, which has been approved as a mortgagee under the provisions of Title II of the "National Housing Act", and any amendments thereto, now or hereafter made, to obtain insurance, and to make such loans secured by real estate as are insured, or under a commitment to insure, pursuant to Title II of the "National Housing Act", and any such amendments.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1935.

CHAPTER 9

An Act to Amend Section One (1) of Chapter Six (6) of the Session Laws of the Twenty-third Extraordinary Session 1933-34 Relating to and Authorizing Any County, City, Town or School District Having an Outstanding Valid Indebtedness in an Amount in Excess of Fifty Per Centum (50%) of the Total Indebtedness Which it May Lawfully Incur Under the Provisions of the Constitution of This State Limiting the Amount of Indebtedness Which May be Incurred by Counties, Cities, Towns and School Districts, to Refund Its Outstanding Bonded Indebtedness and Providing the Method and Procedure Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter Six (6) of the Session Laws of the Twenty-third Extraordinary Session 1933-34 of the Laws of Montana, be amended to read as follows:

Amending clause.

"Section 1. Any county, city, town or school district, however organized, now having, or which may have at any time prior to May 1, 1937, an indebtedness consisting of outstanding bonds and registered warrants lawfully issued, in an amount in the aggregate in excess of fifty per centum (50%) of the total indebtedness which may be lawfully incurred under the provisions of the Constitution of this state limiting the amount of indebtedness which may be incurred by counties, cities, towns and school districts, may at any time prior to May 1, 1937, issue and sell or exchange its bonds, or any part thereof, in the manner and according to the provisions of this Act. The term 'municipal' and all derivatives thereof as used herein shall refer to and include all counties, incorporated cities and towns and school districts. The term 'governing body' as used herein shall refer to the Board of County Commissioners, City or Town Council or Commission, Board of Trustees, or other body of the particular municipality exercising the legislative functions thereof."

When bonds may be issued, sold or exchanged.

"Municipal" defined.

"Governing Body" defined.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1935.

CHAPTER 10

An Act to Amend Section 20 of Chapter 89 of the Laws of the Twentieth Legislative Session of the State of Montana, as Amended by Section 2 of Chapter 145 of the Twenty-second Legislative Assembly of the State of Montana; Relating to the Dissolution and Disincorporation of State Banks.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 20 of Chapter 89 of the Laws of the Twentieth Legislative Session of the State of Montana, as amended by Section 2 of Chapter 145 of the Twenty-second Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Dissolution
as provided
by law for all
corporations.

“Section 20. **Dissolution and Disincorporation.** Commercial banks, savings banks, trust companies and investment companies now organized and existing, or which may be hereafter organized, may be dissolved in the manner provided by the laws of Montana applicable to the dissolution of other corporations, except it shall be legal for any bank, upon a vote of two-thirds (2/3) of its stockholders at a special meeting called for that purpose in accordance with the by-laws of the bank, to voluntarily quit business and liquidate upon the payment of its debts, exclusive of liability to stockholders, or upon agreement with all of its creditors to a plan of liquidation, any bank or trust company desiring to thus voluntarily liquidate, shall make application to the State Superintendent of Banks for permission to so liquidate and in addition to complying with the laws of the State of Montana governing the liquidation of corporations, shall comply in all respects with the requirements or rules and regulations of the State Superintendent of Banks governing such voluntary dissolution. The Board

Voluntary
liquidation by
vote of 2-3
of stock-
holders.

Application to
be made to
Superintend-
ent of Banks.

of Directors of any bank, whose stockholders have voted to place it in voluntary liquidation, shall appoint a liquidating agent to wind up the affairs of such bank. Such liquidating agent, on authority of the Board of Directors, shall have power to execute deeds for the transfer of real property and to do any and all things necessary to effect the proper liquidation of such bank. Nothing in this section contained shall prevent the State Superintendent of Banks from taking charge at any time when in his opinion the interest of creditors or stockholders is not being protected, the decision of the Superintendent of Banks in said matters to be controlling."

Directors to
appoint a
Liquidating
Agent.

Powers of
Liquidating
Agent.

Superintend-
ent of Banks
may take
charge when.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1935.

CHAPTER 11

An Act to Authorize the Montana State Board of Pharmacy to Enact a Rule Requiring Pharmacists to Keep a Poison Register, and Providing Penalties for Violations of Such Rule.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Montana State Board of Pharmacy may by a rule or rules adopted by said Board, require every registered pharmacist to keep a poison register which may require a record of all poisons sold or disposed of, the signature of the purchaser and such other information in relation thereto as may be required by said Board and said Board may provide by rule what are to be deemed poisons within the terms of this law and the rule or rules adopted.

Board of
Pharmacy
may require a
poison regis-
ter to be kept.

Section 2. In the event any pharmacist shall sell or dispose of any such poison without keeping a record of same, or shall keep any false record thereof, or shall

Pharmacists
license may
be revoked for
violations.

permit the sale or disposal of same without keeping such record, or shall otherwise violate the rule or rules so promulgated by the Montana State Board of Pharmacy, such board may, upon notice and after a hearing, revoke the license of such pharmacist for any violation of said rule.

Penalty.

Section 3. The sale or disposal of any poison by any registered pharmacist without keeping a record thereof in a poison register, shall constitute a misdemeanor.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1935.

CHAPTER 12

An Act to Amend Section 1536 of the Revised Codes of Montana of 1921, as Amended by Section 2 of Chapter 126 of the Nineteenth Legislative Assembly; Relating to the Admission of Wives and Widows of Soldiers, Sailors or Marines to the Soldiers' Home.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1536 of the Revised Codes of Montana of 1921 as amended by Section 2 of Chapter 126 of the Nineteenth Legislative Assembly be, and the same hereby is amended to read as follows:

Wives and
widows to be
admitted to
Soldier's
Home.

"Section 1536. The Board of Managers of the Soldiers' Home is authorized and empowered to admit to the privileges of the home under such rules as the board may prescribe, the wives or widows of soldiers, sailors or marines who are inmates or who may be or may have been eligible to admission as inmates and who were married to such soldiers, sailors or marines; provided that no woman be admitted who has not attained the age of fifty (50) years."

Age require-
ment.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing
clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1935.

CHAPTER 13

An Act to Provide for the Continuation of the Codification of the Revised Codes of Montana of 1935 and Appropriating Money Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Code Commissioner appointed under the authority of Chapter 89, Laws of 1933, is hereby authorized and directed to continue and complete the re-codification of the laws of Montana, and to include therein the laws of the Twenty-fourth Legislative Assembly. The codification shall be completed according to the plan and designation authorized by Chapter 89, Laws of 1933.

Authorization for completion of the Codification of the Laws.

Section 2. In the performance of the work herein specified, the Code Commissioner shall be at all times under the general control and supervision of the Justices of the Supreme Court of Montana.

Work to be supervised by the Supreme Court.

Section 3. The Code Commissioner shall be paid in the following manner for the performance of the work as herein specified: The total sum payable to the Commissioner for the salary of the Commissioner, his assistants and stenographers, and for all office supplies necessary to complete the re-codification shall be Seven Thousand Three Hundred Dollars (\$7,300.00). Payments shall be made from time to time as authorized and directed and approved by the Supreme Court over the period of time necessary for the completion of the work. This sum is to be full compensation for the completion of the codification, and if some detail of the work shall extend past January 1, 1936, the same shall be done by the Commissioner without further compensation, it being the intent of the Legislature that the above stated amount of Seven Thousand Three Hundred Dollars (\$7300.00) be the full sum to be paid to the Code Commissioner for the complete preparation of the Codes for the printer.

Compensation of Code Commissioner.

Payments to be made when.

Full compensation for completion of Code.

Section 4. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of Seven Thousand Three Hundred Dollars

Appropriation.

(\$7300.00) for the year 1935, for the purposes hereinabove stated.

Not to be
affected by
Budget Act.

Section 5. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 6. This Act shall be in full force and effect from and after its passage by a majority vote of the members of both houses of the Legislative Assembly, and its final approval.

Approved February 13, 1935.

CHAPTER 14

An Act Amending Section 10376 of the Revised Codes of Montana of 1921 Relating to the Powers of Clerks of the District Courts to Issue Notices, Orders, and Hold Hearings in Probate and Guardianship Matters and Providing for the Modification or Setting Aside of Any Notices or Orders so Made.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 10376 of the Revised Codes of Montana of 1921 be and the same is hereby amended to read as follows:

Probate
powers of
Clerk.

When powers
may be
exercised.

“Section 10376. The clerk may make all necessary orders and issue notices of hearing for the probate of wills, both domestic and foreign, and letters of administration or guardianship, and in the absence of the judge may hear, and upon the hearing, grant such letters, including letters testamentary, when no objections are made or filed; may order notices to creditors, may appoint appraisers, file and approve all bonds, file and approve claims against the estate, file and approve all accounts of executors, administrators, and guardians, except final accounts, when no objections are made or filed thereto; make all orders for hearings and orders to give notice, as may be necessary in the exercise of the above powers. He may likewise make orders fixing the time and place of hearing accounts and petitions

for distribution and may also make orders to show cause on applications for the sale of real estate and on any other application in a probate or guardianship matter for the hearing of which an order to show cause is necessary. The court or judge may at any time within thirty days thereafter set aside or modify any of the orders so made, but unless so set aside or modified they shall have the same effect as if made by the judge or court."

Time limitation for setting aside orders made by Clerk.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1935.

CHAPTER 15

An Act to Amend Section 5127 of the Revised Codes of Montana, 1921, as Amended by Section 9 of Chapter 58 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, as Amended by Section 1, Chapter 127, of the Session Laws of the Regular Session of the Twenty-third Legislative Assembly of the State of Montana Relative to the Manner in Which the State Auditor of the State of Montana Shall Pay to the Fire Department Relief Associations, Legally Organized and Existing in the Several Cities and Towns in the State of Montana, Their Respective Share of the License Fees Collected From Fire Insurance Companies Licensed to do Business in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5127 of the Revised Codes of Montana, 1921, as amended by Section 9 of Chapter 58 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, as amended by Section 1, Chapter 127 of the Session Laws of the Regular Session of the Twenty-third Legislative Assembly of

Amending clause.

the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

Auditor to deliver to City Treasurer certain funds for Fire Dep't. Relief Association.

“Section 5127. **State Auditor to Pay Fire Department Relief Associations License Fee Collected From Licensed Fire Insurance Companies.** At the end of the fiscal year, the State Auditor shall issue and deliver to the treasurer of every city or town, for the use and benefit of the Fire Department Relief Association legally existing in every such city or town and entitled by law to receive the same, his warrant for an amount equal to the license fees collected by the State Auditor, as ex-officio Insurance Commissioner, from fire insurance companies, as provided by Section 6112, R. C. M., 1921, as said cities or towns are each severally entitled to, computed as follows:

How computed.

Portion of total license fees collected.

1. Each and every Fire Department Relief Association legally organized and existing in any city or town and entitled by law to receive the same shall receive, as its portion of the total license fees collected from fire insurance companies licensed in the State of Montana, all of the license fees assessed and collected on all premiums collected by fire insurance companies in the said city or town, pursuant to Section 6112, R. C. M., 1921.

Minimum sum to be \$100.

2. The legally organized and existing Fire Department Relief Associations in all cities or towns where the license fee collected and distributed pursuant to the preceding section is insufficient to make an amount equal to \$100.00 shall receive such an additional amount from the total license fees collected from fire insurance companies in the State of Montana as may be necessary to make the total amount received by said Fire Department Relief Association equal to a sum of \$100.00.”

“Disability and Pension Fund” established.

Section 2. The State Auditor shall pay an amount equal to the face value of the warrants so issued into the State Treasury, to the credit of a special fund, which fund shall be known as the “Disability and Pension Fund” of the Fire Department Relief Association, and for that purpose, there is hereby created a fund to be known as the “Disability and Pension Fund” of the Fire Department Relief Association, and the State Treasurer is hereby directed and authorized to keep account

of said fund and pay all warrants drawn by the State Auditor, pursuant to this Act, out of the said fund hereby established.

Section 3. That all Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. If any section, provision, clause or phrase of this Act be adjudged unconstitutional or invalid by any court of competent jurisdiction, for any reason, such adjudication shall not affect the validity of the Act as a whole, or of any section or provision thereof which is not specifically so adjudged unconstitutional or invalid. Saving clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1935.

CHAPTER 16

An Act Concerning Declaratory Judgments and Decrees and the Powers of Courts of Record to Declare Rights, Status and Other Legal Relations Thereby, Defining the Parties in Such Proceedings, Providing for Review of Such Judgments and Decrees, Supplemental Relief, Jury Trial, Construction of This Act and to Make Uniform the Law With Reference Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Scope.** Courts of record within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree. Power of courts to make declaratory judgments.

Force and effect of.

Section 2. **Power to Construe, etc.** Any person interested under a deed, will, written contract or other writings constituting a contract, or whose rights, status Enumeration of situations where declaratory judgments may be had.

or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status or other legal relations thereunder.

Breach of contract not necessary.

Section 3. **Before Breach.** A contract may be construed either before or after there has been a breach thereof.

Who may sue.

Section 4. **Executor, etc.** Any person interested as or through an executor, administrator, trustee, guardian or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, lunatic, or insolvent, may have a declaration of rights or legal relations in respect thereto:

What may be established by an action.

(a) To ascertain any class of creditors, devisees, legatees, heirs, next of kin or others; or

(b) To direct the executors, administrators, or trustees to do or abstain from doing any particular act in their fiduciary capacity; or

(c) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

Enumeration of possible actions or parties not exclusive.

Section 5. **Enumeration Not Exclusive.** The enumeration in Sections 2, 3, and 4 does not limit or restrict the exercise of the general powers conferred in Section 1, in any proceeding where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty.

When Court may refuse to render a declaratory judgment.

Section 6. **Discretionary.** The court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding.

Right of review.

Section 7. **Review.** All orders, judgments and decrees under this Act may be reviewed as other orders, judgments and decrees.

Section 8. Supplemental Relief. Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by a declaratory judgment or decree, to show cause why further relief should not be granted forthwith.

Supplemental relief may be granted application for.

Section 9. Jury Trial. When a proceeding under this Act involves the determination of an issue of fact, such issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions in the court in which the proceeding is pending.

How issues of fact shall be determined.

Section 10. Costs. In any proceeding under this Act the court may make such award of costs as may seem equitable and just.

Costs.

Section 11. Parties. When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard, and if the statute, ordinance or franchise is alleged to be unconstitutional, the Attorney General of the state shall also be served with a copy of the proceeding and be entitled to be heard.

Parties to these actions.

Parties where validity of ordinance or statute is involved.

Section 12. Construction. This Act is declared to be remedial; its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations; and it is to be liberally construed and administered.

Purpose.

Section 13. Words Construed. The word "person" wherever used in this Act, shall be construed to mean any person, partnership, joint stock company, unincorporated association, or society, or municipal or other corporation of any character whatsoever.

"Person" defined.

Saving
clause.

Section 14. **Provisions Severable.** The several sections and provisions of this Act except Sections 1 and 2, are hereby declared independent and severable, and the invalidity, if any, of any part or feature thereof shall not affect or render the remainder of the Act invalid or inoperative.

Uniform
interpretation
and construc-
tion.

Section 15. **Uniformity of Interpretation.** This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and to harmonize, as far as possible, with Federal laws and regulations on the subject of declaratory judgments and decrees.

Title.

Section 16. **Short Title.** This Act may be cited as the Uniform Declaratory Judgments Act.

Section 17. **Time of Taking Effect.** This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1935.

SECTION 17

An Act to Amend Section 503 of the Revised Codes of Montana of 1921, Relating to the Scope of Chapter 40 of the Political Code of the Revised Codes of Montana, Dealing With Official Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 503 of the Revised Codes of Montana be, and the same is hereby amended to read as follows:

Bonds contem-
plated by this
Chapter.

"Section 503. **Applicable to What Bonds.** The provisions of this chapter apply to the bonds and undertakings of receivers, executors, administrators, and guardians."

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1935.

CHAPTER 18

An Act to Amend Sections 4933, 4936, 4941 and 4942, of the Revised Codes of Montana of 1921, Relating to the Mileage of Jurors and Witnesses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4933 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

Amending clause.

“4933. **Jurors’ Fees.** Grand and trial jurors shall receive four dollars per day for attendance before any court of record, and seven cents per mile each way for traveling from and to their residence and county seat. Any juror who is excused from attendance upon his own motion on the first day of his appearance in obedience to notice, or who has been summoned as a special juror and not sworn in the trial of the case, in the discretion of the court, may receive per diem and mileage.”

Grand and trial jurors fees in courts of record.

Section 2. That Section 4936 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

Amending clause.

“4936. **Witnesses’ Fees.** For attending in any civil or criminal action or proceeding before any court of record, referee, or officer authorized to take depositions, or commissioners to assess damages or otherwise, for each day, three dollars. For mileage in traveling to the place of trial or hearing, each way, for each mile, seven cents; provided, however, that no officer of the United States, the State of Montana, or of any county, incorporated city or town within the limits of the State of Montana shall receive any per diem when testifying in a criminal proceeding, and that no witness shall receive fees in any more than one criminal case on the same day.”

Witnesses’ fees in courts of record.

Section 3. That Section 4941 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Amending clause.

“4941. **Witnesses in Courts Not of Record.** Witnesses in courts not of record in civil actions and proceedings shall receive one dollar and fifty cents for each day’s

Witnesses’ fees in courts not of record in civil cases.

actual attendance, and seven cents for each mile actually traveled in going from his residence by the usual traveled route to the said court and return."

Amending
clause.

Section 4. That Section 4942 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Witnesses'
fees in courts
not of record
in criminal
cases and
coroners in-
quests.

"4942. **Witnesses in Criminal Actions or Coroner's Inquests.** Witnesses in courts not of record in criminal actions and on coroner's inquests shall receive one dollar and fifty cents per day for actual attendance, and seven cents per mile for each mile actually and necessarily traveled from his place of residence to the said court and return."

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1935.

CHAPTER 19

An Act to Amend Section 4951 of the Revised Codes of Montana of 1921 Relating to the Duty of the County Commissioners to Audit County Charges.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 4951 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

County
charges to be
audited.

"4951. **County Charges to Be Audited.** Accounts for county charges of every description must be presented to the Board of County Commissioners to be audited as prescribed in Subdivisions 11 and 12 of Section 4465 and in Section 4605 of the Revised Codes of Montana of 1921."

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1935.

CHAPTER 20

An Act to Amend Section 7 of Chapter 51 of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana of 1933, Relating to the License Tax on Gross Proceeds of Electricity and Electrical Energy.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7 of Chapter 51 of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana be, and the same is hereby amended to read as follows:

Amending clause.

“Section 7. Any producer of electricity or electrical energy referred to in Section 1 of this Act, who shall hereafter engage in the generation, production or manufacture of electricity or electrical energy shall immediately upon purchasing or acquiring the plant or installing equipment therefor, comply with the requirements of this Act.”

Duty of future producers of electricity to comply with this Act.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1935.

CHAPTER 21

An Act to Repeal Section 11252 of the Revised Codes of Montana of 1921, Relating to Traffic on Bridges.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11252 of the Revised Codes of Montana of 1921, be, and the same is hereby repealed.

Repealing clause.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1935.

CHAPTER 22

An Act to Repeal Sections 4680 Through 4711, Inclusive, of the Revised Codes of Montana of 1921, Relating to the Authority of Counties to Incur Indebtedness for the Purpose of Aiding Their Inhabitants Who by Reason of Misfortune Resulting from Drought or Other Exigencies, Have Been Rendered Destitute or in Need of Aid and Providing for the Administration Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing
clause.

Section 1. That Sections 4680 through 4711 of the Revised Codes of Montana of 1921 be, and the same are hereby repealed.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1935.

CHAPTER 23

An Act Providing for the Amount of Insurance to be Paid Upon the Destruction of Property by Fire, Tornado or Lightning and Fixing a Method How the True Value of the Property Insured Shall be Determined and Defining What Shall be Considered as Prima Facie Evidence of Ownership of the Property and What May be Set up as Defense Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Amount to be
paid on insur-
ance policy
upon destruc-
tion of prop-
erty.

Section 1. Whenever any policy of insurance shall be written to insure any improvements upon real property in this state against loss by fire, tornado or lightning, and the property insured shall be wholly destroyed, without criminal fault on the part of the insured or his assigns, the amount of insurance written in such policy shall be taken conclusively to be the true value of the property insured, and the true amount of loss and measure of damages, and the payment of money as a premium for insurance shall be prima facie evidence

Party paying
premium
deemed owner.

that the party paying such insurance premium is the owner of the property insured; Provided, that any insurance company may set up fraud in obtaining the policy as a defense to a suit thereon.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 13, 1935.

CHAPTER 24

An Emergency Act Relating to Grain Warehouse Storage Receipts; Authorizing the Delivery of Grain by Warehousemen to the Government of the United States Under the Federal Seed Stock Act Without Surrender of the Warehouse Receipt.

WHEREAS, at the present time large quantities of grain have been purchased and held by the Government of the United States in numerous grain elevators in the State of Montana for distribution as seed in the drought stricken areas of Montana and elsewhere under the provisions of the Federal Seed Stock Act, and

Preamble.

WHEREAS, the warehouse receipts for said grain are held by the Government of the United States at the head office of the Federal Seed Stock Committee in Minneapolis, thereby making it inconvenient and impracticable for said warehouse receipt to be surrendered upon delivery of grain represented thereby to large numbers of grain growers to whom said seed stock is to be distributed in small amounts by the Federal Government, and

WHEREAS, under the provisions of the existing Montana Grain Warehouse Act, no stored grain can lawfully be delivered by warehousemen to any person except upon the return of the grain warehouse receipt, properly endorsed by the holder thereof, and a failure to comply with the provisions of said Act constitutes a violation of the warehousemen's bond, and if done with the consent of the Commissioner of Agriculture, Labor and Industry of Montana it might constitute a violation of the bond of said officer, and

WHEREAS, by reason of the matters hereinbefore recited, a temporary emergency exists which requires

legislation to permit delivery of grain for use under the Federal Seed Stock Act without requiring the surrender of the warehouse receipt to the licensed and bonded warehouseman until such time as delivery of all the grain in any one elevator has been made and the Government can surrender the storage ticket therefor; now therefore,

Be it enacted by the Legislative Assembly of the State of Montana:

Time limitation on Act.

Section 1. That from and after the passage and approval of this Act and until January 1, 1937, any licensed or bonded grain warehouseman in possession of grain, the storage ticket for which is held by the Government of the United States under the provisions of the Federal Seed Stock Act, is hereby authorized to make delivery of said grain or any part thereof, to any person, upon a written order issued by any official representative of the United States empowered to administer the provisions of the Federal Seed Stock Act, and without the surrender of the warehouse receipt for seed grain at the time of the delivery thereof.

Warehouseman authorized to deliver grain upon order of representative of U. S.

Need not surrender warehouse receipt.

Not to be delivered without order.

Section 2. No grain shall be delivered under the terms of this Act without the order provided for in Section 1 hereof and whenever all the grain so owned by the United States Government and held in any one elevator has been delivered pursuant to said orders, the Government shall surrender to the warehouseman the storage receipt or receipts originally issued therefor. All deliveries of grain of the amount and kind specified in the Government orders for such delivery provided for by this Act, shall be deemed to be delivered under and by virtue of the warehouse receipt so held by the Government, and shall, to the extent of each delivery and at the time thereof, release and exonerate the warehouseman and his bondsmen under the warehouseman's bond now required by the Montana Grain Warehouse Act.

Effect of such deliveries.

Scope of Act.

Section 3. This Act shall apply only to grain held in storage by the Government of the United States under the provisions of the Federal Seed Stock Act.

Section 4. This Act shall take effect and be in full force from and after its passage and approval, and shall be and remain in force and effect until January 1, 1937.

Approved February 13, 1935.

CHAPTER 25

An Act Amending Section 574, R. C. M., 1921, Relating to the Determination of Residence for the Purpose of Registration or Voting.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 574 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 574. **Residence, Rules for Determining.** For the purpose of registration or voting, the place of residence of any person must be governed by the following rules as far as they are applicable:

Rules for determining residence.

1. That place must be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

Where habitation is fixed.

2. A person must not be held to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or of this state, nor while a student at any institution of learning, nor while kept at any almshouse or other asylum at the public expense, nor while confined in any public prison, nor while residing on any military reservation.

Not lost or gained while employed by U. S. nor while at institutions of learning.

3. No soldier, seaman, or marine in the Army or Navy of the United States shall be deemed a resident of this state in consequence of being stationed at any military or naval place within the same. No person shall be deemed to have acquired a residence in the State of Montana by reason of being employed or stationed at any United States Civilian Conservation Corps Camp within the State of Montana or at any transient camp maintained for relief purposes by the Government of the United States within the State of Montana.

Soldiers and sailors of U. S. not to be residents.

C. C. C. Employees not to be residents.

4. A person must not be considered to have lost his residence who leaves his home to go into another state, or other district of this state, for temporary purposes merely with the intention of returning, provided he has not exercised the right of the election franchise in said state or district.

Temporary leave of state will not effect residence when.

Temporary
visit to Coun-
ty not to est-
ablish resid-
ence.

5. A person must not be considered to have gained a residence in any county into which he comes for temporary purposes merely without the intention of making such county his home.

Removal from
state.

6. If a person removes to another state with the intention of making it his residence, he loses his residence in this state.

Removal for
an indefinite
time.

7. If a person removes to another state with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his residence in this state, notwithstanding he entertains an intention of returning at some future period.

Presumption
of residence
where family
resides.

8. The place where a man's family resides is presumed his place of residence, but any man who takes up or continues his abode with the intention of remaining, or a place other than where his family resides, must be regarded as a resident of the place where he so abides.

Residence
rules in
general.

9. A change of residence can only be made by the act of removal joined with the intent to remain in another place. There can only be one residence. A residence cannot be lost until another is gained.

Term of
residence.

10. The term of residence must be computed by including the day of the election."

Section 2. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 14, 1935.

CHAPTER 26

An Act to Provide for the Taxation of the Property of Freight Line Companies and Amending Sections 2099, 2101, 2102, 2103, Montana Revised Codes of 1921, as Amended, Relating Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2099, Montana Revised Codes of 1921, as amended by Chapter 185, Montana Session Laws of 1925, be, and the same is hereby amended to read as follows:

“Section 2099. **Freight Line Companies to File Statements—Contents.** Every freight line company as hereinbefore defined shall annually, between the first and thirtieth day of April, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent, manager, or chief officer of such association, joint-stock company, or corporation, file with the State Board of Equalization, a statement in such form as the State Board of Equalization may require and prescribe, showing the following:

Duty to file statements under oath.

What statement shall include.

1. The name of the person or persons, association, joint-stock company or corporation.
2. Under the laws of what state or country organized or existing.
3. The location of its principal office.
4. The location of its principal office in this state, if any.
5. The name and postoffice address of the president, secretary, auditor, treasurer, superintendent, general manager, or chief officer.
6. The total gross earnings received from all sources from the operation of such freight line company within this state for the year next preceding the first day of January.
7. The aggregate number of miles traveled within the State of Montana by its cars during the preceding calendar year and the aggregate number of miles over each railroad in the state; and the total number of miles traveled by its cars during the preceding calendar year wherever operated.
8. The average number of miles traveled by the cars of each class of its cars during the preceding year. The number of cars necessary for the mileage traveled within the State of Montana under the circumstances that ordinarily attend the use of such cars, and where different classes of cars are used by said company, as to the matters embraced in this and the preceding paragraph, it shall furnish the required information as to each class of said cars on the forms prescribed and furnished by the State Board of Equalization.

Gross earnings.

Number of miles traveled.

Information as to each class of cars.

Value
of cars.

9. The full and true value on the first day of January next preceding, of the said number of cars necessary to provide for the mileage to be reported as required by paragraph seven (7) of this section.

Other
property
of company.

10. The real estate, personal property, structures, machinery, fixtures, and appliances, owned by said company, within the state, and the location and the actual value thereof, and in what county, municipality, road district, school district or other taxing district where the same was located on the first day of January next preceding.

Location
of.

Detail
of financial
operations.

11. Showing in detail for the year preceding the first day of January:

A. The total gross earnings of the company.

B. Net income for such year and the amount of dividends declared.

C. The cost of operating the company.

D. Capital stock authorized; capital stock paid in; number of shares of stock issued; amount owned by the company and par value per share.

E. Funded debt.

Board may
require
other
information.

12. Such other facts and information as the State Board of Equalization may require in the form of return prescribed by it."

Record of
mileage for
preceding
year.

Section 2. That it shall be the duty of all railroads operating in the State of Montana to furnish to the State Board of Equalization, on blanks to be furnished by the said board to the railroad companies operating in the State of Montana, a true and accurate record of the car mileage made by the cars of the said freight line companies over their rails within the State of Montana during the preceding calendar year, said reports to be duly attested by the proper officers of said railroad companies and which shall be filed in the office of the State Board of Equalization on or before the first day of May of each calendar year.

Section 3. That Section 2101, Montana Revised Codes of 1921, as amended by Chapter 75, Montana Session Laws of 1931, be, and the same is hereby amended to read as follows:

“Section 2101. The State Board of Equalization shall, on or before the first Monday of June each year, proceed to ascertain and determine from such statements and reports the average number of cars within the state, of each freight line company for the twelve months preceding January first of each year and shall determine the full and true value of such cars that are habitually employed within this state and in arriving at the value of such cars, said Board shall take into consideration the number of cars required to make the total mileage of the cars of each company for the period of one year and shall also take into consideration the gross earnings and net income of the company for preceding years, also the organic relation of the property in the state to the whole system and such other facts as may be pertinent, all of which shall be considered by the Board in fixing the value of the property of such companies. After determining the value of the property of such company within this state, the State Board of Equalization shall assess the property of said companies at their full and true value as so determined.”

Board to determine average number of cars in state and the value of them.

Value, how ascertained.

Duty of Board to assess.

Section 4. That Section 2102, Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 2102. In case of failure or refusal of any freight line company to make and file a statement required by Section 2099 of this code or to furnish the State Board of Equalization any information required by it, the said board shall inform itself as best it may, on the matters necessary to be known in order to determine the value of the property of such freight line company within this state.”

Board to determine value when statement is not filed by company.

Section 5. That Section 2103, Montana Revised Codes of 1921, as amended by Chapter 185, Montana Session Laws of 1925, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 2103. It shall be the duty of the State Board of Equalization and it is authorized each year, to determine the rate of tax levy against the property of such companies which shall be equal, as nearly as may be, to the average rate of all general taxes, state, county,

Board to determine rate of tax levy.

municipal, school and local, levied throughout the several taxing districts of the State for the preceding year and the average rate as so determined is hereby levied against the property of such companies.

Board
to mail
statement
of assessed
value to
companies.

Right
of protest,
time for.

Board may
review.

Protest
to be
condition
precedent
to other
actions.

The State Board of Equalization shall, on or before the first day of June in each year, mail to each freight line company a statement showing the total assessed value and the taxable value of the property of such company for such year, as ascertained and determined by the State Board of Equalization, together with the amount of the tax determined by the State Board of Equalization, and such freight line company may, at any time before the third Monday in June, file with said State Board of Equalization a protest, in writing, against such determination or assessment, or both, and the State Board of Equalization may, on the filing of such protest, or on its own motion, review and correct its findings in such manner as it may deem to be just and proper; provided, however, that no action of any kind shall be instituted or maintained by any freight line company to enjoin the sale of any property seized by the State Treasurer on account of the non-payment of any such tax, or to recover any tax, or any portion thereof, paid under protest, unless such freight line company shall have filed with said board a protest, in writing, in the manner and form and within the time provided in this section."

Tax on
gross
earnings
may be
paid in
lieu of
all other
property
taxes.

Section 6. In lieu of the foregoing tax and in place thereof, each freight line company whose cars are habitually employed within this state, may, in the discretion of the State Board of Equalization, be required to pay a tax of five per cent (5%) of its total gross earnings within this state for the year preceding the first day of January, as determined by said board, which tax shall be in lieu of all other taxes upon its property within this state. Said tax to be determined, noticed, and paid at the time and in the manner provided in this Act.

Tax to be
retroactive.

Section 7. If any freight line company has failed to pay a tax upon its property within this state or any of its property has escaped taxation for any year or years within four years preceding the passage and ap-

proval of this Act, then, and in that event, the State Board of Equalization shall at the time of assessing the property of any such freight line company for the year 1935, or at any subsequent time, fix and determine the value of the property of such company and assess the same and levy a tax thereon for each year or years its property has escaped taxation in the manner as far as practicable and in the amount, as required by this Act. It being the intention of this Legislature that this Act shall be retroactive to this extent.

Section 8. If any section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislative Assembly of the State of Montana hereby declares that it would have passed this Act irrespective of the fact that any one or more sections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Saving
clause.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 16, 1935.

CHAPTER 27

An Act Providing for the Recount of the Votes Cast at Any General or Special Election, or at Any Municipal Election, by the Board of County Canvassers Pursuant to an Order Therefor, Upon Application Made to the District Court, or to a Judge Thereof, by Any Person Who by the Statement of the Result of the Canvass of the Election Returns by the Board of County Canvassers Is Found Not to Have Received the Highest Number of Votes for the Office for Which Said Person Was a Candidate at Such Election; and Providing for the Correction of the Official Canvass by the Said Board of County Canvassers to Conform to Such Recount; and for the Cancellation of the Certificate of Election Issued by the County Clerk if it Should be Found by Such Recount That the Person to Whom the Certificate Had Theretofor Been

Issued Did Not Receive the Highest Number of Votes for Said Office; and for the Issuance of a Certificate of Election to the Successful Candidate as Disclosed by Said Recount; and Repealing and Amending All Acts or Parts of Acts, or Section of the Statute in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Who may
apply for
recount.

Application
to the
District
Court.

Application.
Contents and
verification of.

Time for
consideration
of application.

What Court
shall
determine.

Order to
recount.

Time for
recount.

Section 1. Any unsuccessful candidate for any public office at any general or special election, or at any municipal election, may within five days after the canvass of the election returns by the board or body charged by law with the duty of canvassing such election returns, apply to the District Court of the county in which said election is held, or to any judge thereof, for an order directed to such board to make a recount of the votes cast at such election, in any or all of the election precincts wherein the election was held, as hereinafter provided. Said application shall set forth the grounds for a recount, and it shall be verified by the applicant to the effect that the matters and things therein stated are true to the best of the applicant's knowledge, information and belief. Within five days after the filing of said application in the office of the Clerk of said District Court, the said court, or the judge thereof, shall hear and consider said application, and determine the sufficiency thereof; and, if from said verified application, the District Court, or the judge thereof, finds that there is probable cause for believing that the judges and clerks of election did not correctly count and ascertain the number of votes cast for such applicant at any one or more of the election precincts that the judges and clerks of election might not have correctly counted and ascertained the number of votes cast for the applicant in any one or more election precincts, then, or in either of such events, the court or judge shall make an order addressed to the said Board of County Canvassers, requiring them at the time and place fixed by said order, which time shall be not more than five days from the making of such order to reassemble and reconvene as a canvassing board, and to recount the ballots cast at said election precinct or precincts of which complaint is made as in said order specified.

Section 2. If it shall be made to appear by such verified application that the judges or clerks of election in any one or more election precincts did not comply with each and all of the provisions and requirements of Section 778 of the Revised Codes of Montana of 1921, in counting and ascertaining the number of votes cast for each person voted for at said election, that shall be considered as sufficient probable cause for believing that the judges and clerks of election of said election precinct, or precincts, did not correctly count and ascertain the number of votes cast for the applicant in such election precinct or precincts.

Effect of failure to comply with Section 778 R. C. M. 1921.

Section 3. If the Judge of said District Court of the county in which said election is held be ill, or absent, or for any other reason disqualified from acting, then and in that event another District Court Judge shall be called in to hear and determine said application, either by an order of a Judge of said District Court, or by an order by a Justice of the Supreme Court of the State of Montana. A failure to hear, consider or determine said application within the time herein provided, shall not divest the court of jurisdiction, but the said court before which said application is presented and filed shall retain jurisdiction thereof for all purposes until said application is finally acted upon, considered and determined, and until a final count is made and had by the said Board of County Canvassers and the result thereof finally determined as herein provided.

When and how another judge may be called in.

Extent of jurisdiction of Court.

Section 4. If said application asks for a recount of the votes cast in more than one election precinct, but the grounds thereof are not sufficient for a recount in all, the court shall order a recount as to only such precinct as to which there are sufficient grounds stated and shown. The court in its order shall determine the probable expense of making such recount, and the applicant or applicants asking for such recount shall deposit with the said board the amount so determined and specified in said order, in cash; and if it be ascertained by said recount that the applicant or applicants have been elected to said office, then and in that event all money so deposited with said board shall be returned to the said applicant or applicants, but if an applicant as a result of said recount is found not to have been elected,

Court may order recount in all or only one or more precincts.

Duty of applicant to deposit cost of recount.

Who shall
pay costs.

What shall
be the
expenses of
recount.

Applications
by more
than one
candidate, how
considered.

How ballots
shall be
recounted.

County
clerk to
produce
sealed ballots.

How
counted.

Candidates
to be
present.

Votes, how
tallied.

then if the expense of making said recount shall be greater than the estimated cost thereof said applicants shall pay said excess, but if less than the estimated cost, then the difference shall be refunded to the applicant or applicants. The expense of making said recount as herein provided, shall be the salary of the members of the canvassing board for the period of time required to make such recount, and the salary of two clerks at the rate of not more than \$8.00 per day each. If more than one candidate makes application for a recount of the votes cast at said election, the court may, in its discretion, consider such applications separately or together, and may make separate or joint orders in relation thereto, and apportion the expense between said applicants. The board of canvassers, in recounting said ballots cast at said election, shall count the votes cast in the respective precincts as to which a recount is ordered for the several candidates in whose behalf a recount is ordered, at the same time, in the following manner:

The County Clerk shall produce, unopened, the sealed package or envelope received by him from the judges of election of the election precinct, or precincts, as to which a recount is ordered, in which is enclosed all ballots voted at such election in said precinct or precincts; and the package or envelope must then be opened by a member of the Board of County Canvassers in the presence and view of the other members of said board and of the County Clerk, and of the candidates for said office or offices as to which said recount is ordered, present thereat. The ballots must then be taken from said packages or envelope by a member of the board, and in the presence of the candidate or candidates seeking such recount, and the candidate or candidates who by the first canvass was found to have received the highest number of votes, the ballots must be taken singly by one of the members of the canvassing board, and the contents thereof, while exposed to the view of said candidates and of one of the other members of said canvassing board, must be distinctly read aloud, and as the ballots are read, two clerks must write at full length, on sheets to be known as tally sheets, which shall be previously prepared for that purpose, one for each clerk, with the name of said respective candidates and

the office or offices as to which a recount is being made, with the numbers of such election precincts as to which said recount is ordered, and the number of votes for each person in said election precinct or precincts. At the completion of said recount the tally sheets must then be compared and their correctness ascertained, and the total number of votes cast for any candidate determined. If, on such recount, the votes cast for any candidate who makes such application shall be either more or less than the number of votes shown upon the official returns for that person and office, then the original returns shall be thereupon by the Clerk of said Board of Canvassers, and under its direction, corrected so as to state the number of votes ascertained on such recount.

Tally sheets
to be
compared.

Original
returns
to be
corrected.

The said Board of Canvassers shall thereupon cause its clerk to enter on the records of said board the result of said election as determined by such recount, and the clerk of said board shall thereupon make out and deliver certificate of election in conformity to the result ascertained by said recount.

Certificates
of election
to be
delivered
to conform
to result
of recount.

The candidate who as a result of the original or first canvass of the returns by the Board of Canvassers was found to be elected, shall be served with a copy of the application, and shall be given an opportunity to be heard thereon, and he shall be permitted to be present and to be represented at any recount ordered.

Winning
candidate to
be served
with a
copy of
application.

When said recount of the ballots in any election precinct has been finished, the ballots shall then be again enclosed in the same package or envelope in which they had been placed by the judges of election, and in the presence and view of the County Clerk and the members of the Board of Canvassers the said packages or envelopes shall again be closed and sealed, and then again delivered into the custody of the County Clerk.

Ballots to
be sealed
after
recount.

Section 5. The Board of Canvassers shall make no recount of any votes cast in any election precinct or for any office other than the precinct or precincts and office or offices specified in said order.

Recount
limited
to order.

Section 6. If it shall be found and determined by said recount that the person to whom the County Clerk had issued a certificate of election pursuant to Section 797

Certificate
of election
issued to one
not receiving
highest number
of votes void.

of the Revised Codes of Montana of 1921, did not in fact receive the highest number of votes cast at said election for said office, then the said certificate of election first issued by said clerk shall be void, and the certificate of election issued by said clerk pursuant to the findings and determination of said recount shall be treated and considered, for all purposes as the only certificate of election to said office, and the person named therein shall be the person elected to said office.

Election
officers not
to receive
pay until
after
recount.

No pay when
votes were
not correctly
counted.

Repealing
clause.

Section 7. No judge or clerk of any election, of any election precinct, as to which a recount is ordered shall receive any pay for his or her services as such judge or clerk until the completion of such recount by the said Canvassing Board, and if it shall be ascertained on such recount that any applicant in whose behalf such recount is had, has been elected, then in that event, the judges and clerks of the election precincts in which the votes were found to have not been correctly counted shall not be paid or receive any pay for their services as such.

Section 8. All Acts, or parts of Acts, or sections of the statute in conflict herewith are hereby repealed, or are to be considered as amended to conform to the provisions of this Act.

Approved February 16, 1935.

CHAPTER 28

An Act to Legalize and Make Certain the Names of the Units of the University of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Legal names
of units of
University.

Section 1. The legal names of the units of the University of Montana shall be and they are hereby fixed, designated and declared to be as follows:

Unit at Missoula, Montana State University.

Unit at Bozeman, Montana State College.

Unit at Butte, Montana School of Mines.

Unit at Dillon, Montana State Normal College.

Unit at Billings, Eastern Montana State Normal School.

Unit at Fort Assinniboine and Havre, Northern Montana College.

Section 2. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved February 16, 1935.

CHAPTER 29

An Act to Repeal Sections 4640 Through 4679, Inclusive, of the Revised Codes of Montana of 1921, Relating to the Authority of Counties to Make Seed Grain Loans in Times of Drought and Other Emergencies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 4640 through 4679, inclusive of the Revised Codes of Montana of 1921, be, and the same are hereby repealed. Repealing
clause.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1935.

CHAPTER 30

An Act to Amend Section 2002 of the Revised Codes of Montana of 1921, as Amended by Section 3 of Chapter 158, Laws of the Twenty-third Legislative Assembly of 1933, Relating to the Time for Making Assessments.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2002 of the Revised Codes of Montana, as amended by Section 3 of Chapter 158, Laws of the Twenty-third Legislative Assembly of 1933, be, and the same is hereby amended to read as follows: Amending
clause.

“Section 2002. **When Assessment to be Made—Credits Must be Assessed, How.** The Assessor must, between the first Monday of March and the second Monday of July When
property
shall be
assessed.

Party
to whom
property
shall be
assessed.

Credits.

in each year, ascertain the names of all taxable inhabitants, and assess all property in his county subject to taxation, except such as is required to be assessed by the State Board of Equalization, and must assess such property to the persons by whom it was owned or claimed, or in whose possession or control it was at twelve o'clock m., of the first Monday of March next preceding; but no mistake in the name of the owner or supposed owner of real property renders the assessment thereof invalid. Credits must be assessed as provided in Section 1996, Subdivision 6."

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1935.

CHAPTER 31

An Act to Amend Section 762 of the Revised Codes of Montana of 1921, Relating to the Manner of Assisting Electors Unable to Record Vote Upon the Voting Machine.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 762 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Assistance
to voters,
how given
and when.

"Section 762. **Assistance to Elector Unable to Record Vote.** If any voter shall, in the presence of the judges of election, declare that he is unable to read or write the English language, or that by reason of a physical disability or total blindness he is unable to register or record his vote upon the voting machine, he shall be assisted as provided by Section 699 of the Revised Codes of Montana of 1921. Any person who shall deceive any elector in registering or recording his vote under this section, or who shall register or record his vote in any other way than as requested by such person or who shall give information to any person as to what ticket or for what person or persons such person voted, shall be punished as provided in Section 10753 of the Penal Code."

Penalty for
violation.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1935.

CHAPTER 32

An Act to Amend Section 4 of Chapter 89 of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana of 1933; Relating to the Codification of the Revised Codes of Montana of 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4 of Chapter 89 of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana of 1933 be, and the same is hereby amended to read as follows:

Amending clause.

“Section 4. **Annotations.** Said code shall be annotated by proper and appropriate reference to all decisions of the Supreme Court of Montana, applying, construing, commenting upon or referring to any of the laws or to the Constitution of Montana, up to the first day of January, 1935, and as much later as it may be reasonably practicable to prepare such annotations before delivery of the copy for said code to the printer. Said code shall be further annotated by proper and appropriate reference to all decisions of the Federal Courts construing any of the laws or the Constitution of Montana. These annotations shall include all decisions to the present date and as much later as it may be reasonably practicable to prepare such annotations for the printer.”

Decisions of Supreme Court of Montana.

Decisions of the Federal Courts.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1935.

CHAPTER 33

An Act to Amend Section 816 of the Revised Codes of Montana of 1921, as Amended by Chapter Fifteen (15)

of the Session Laws of 1933, Relating to the Time and Place of Meeting of Presidential Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 816 of the Revised Codes of Montana of 1921, as amended by Chapter Fifteen (15) of the Session Laws of 1933, be, and the same is hereby amended to read as follows:

When
presidential
electors
shall meet.

"Section 816. The electors must assemble at the seat of government the first Monday after the second Wednesday in December next following their election, at two o'clock in the afternoon."

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1935.

CHAPTER 34

An Act to Amend Section 2899 of the Revised Codes of Montana of 1921, Relating to Workmen's Compensation.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2899 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Claims to be
presented
within
12 months.

"Section 2899. **Claims Must be Presented Within What Time.** In case of personal injury or death, all claims shall be forever barred unless presented in writing under oath to the employer, the insurer, or the board, as the case may be, within twelve months from the date of the happening of the accident, either by the claimant or some one legally authorized to act for him in his behalf."

Repealing
clause.

Section 2. All Acts or parts of Acts, insofar as the same are in conflict herewith, are hereby repealed.

Section 3. This Act shall be in full force and effect on and after its passage and approval.

Approved February 16, 1935.

CHAPTER 35

An Act Authorizing the Extension of the Term of Existence of Any Corporation Organized Under Any of the Laws of the State of Montana, Providing the Procedure Therefor, and Providing for the Filing of Certificate of Such Proceedings with the Proper Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any corporation heretofore or hereafter organized under any of the laws of the State of Montana, whether formed and existing before or after the taking effect of the codes on July 1, 1895, may, in the manner herein provided, extend its term of existence within the limits provided by law.

Corporations contemplated.

Section 2. Unless otherwise directed by a resolution passed by a majority vote of the outstanding capital stock entitled to vote at any regular annual meeting or at any special meeting of the stockholders called for that purpose, the Board of Directors or Trustees of any such corporation may, at any time within one year before the date of the expiration of its existence, by the adoption of a resolution by at least two-thirds of the members of such board at any meeting, whether regular or special, noticed and held at the time and place and in the manner prescribed by the by-laws of such corporation, provide that the term of existence of such corporation be extended for a specified period, within the limits provided by law. A certificate of the proceedings had at such meeting, showing in all cases a compliance with the provisions of this Act, containing a copy of the resolutions adopted and showing the vote thereon shall be made out, signed by the chairman and secretary of the meeting and at least two-thirds of the members of the Board of Directors or Trustees. The seal of the corporation shall be affixed thereto and attested by the proper officer of said corporation. Such certificate shall be filed in the office of the County Clerk of the county wherein the original Articles of Incorporation were filed and a copy thereof, certified by such County Clerk, shall be filed in the office of the Secretary of State. Upon the filing of such certificate and certified copy thereof, as

Method of extending term of existence of a corporation.

Two-thirds of board necessary.

Certificate of proceedings to be made out.

Seal of corporation to be affixed to certificate.

Where filed.

Term
extended
by filing.

hereinabove provided, the term of existence of such corporation shall thereupon be extended for the term and period expressed in said resolution and certificate. If such corporation has changed its principal office and place of business to another county in this state a similar certified copy shall likewise be filed in the office of the County Clerk of such county.

Fees for
filing.

Section 3. Such corporation shall pay to the Secretary of State and to the respective County Clerks of the counties in which certificates are filed the fees required by the laws of the State of Montana.

Additional
method of
extending
corporate
existence.

Section 4. The method of extension of the term of corporate existence herein provided shall be in addition to any other method or methods provided by law.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 19, 1935.

CHAPTER 36

An Act to Amend Section 11149 of the Revised Codes of Montana, 1921, Relative to the Definition of Lotteries.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 11149 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

"Lottery"
defined.

"Section 11149. **Lottery Defined.** A lottery is any scheme for the disposal or distribution of property by chance, among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property or a portion of it, or for any share or interest in such property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name the same may be known."

Exemptions.

Section 2. This Act shall not apply to the giving away of cash or merchandise attendance prizes or premiums

by public drawings at agricultural fairs or rodeo associations in this state, and the County Fair Commissioners of agricultural fairs or rodeo associations in this state may give away at such fairs cash or merchandise attendance prizes or premiums by public drawings.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 19, 1935.

CHAPTER 37

An Act Amending Sections 1 and 2, Chapter 5, Laws of Montana, Extraordinary Session, 1933-34, Permitting Any Executor, Administrator, Guardian, or Conservator, Trustee or Other Fiduciary to Invest Funds Eligible for Investment in Bonds of the Home Owners' Loan Corporation; Making Obligations of National Mortgage Associations or Similar Credit Institutions Now or Hereafter Organized Under Title III of the National Housing Act and Bonds of the Home Owners' Loan Corporation Eligible for Investment Purposes for Any Insurance Company, Building and Loan Association, Bank, Trust Company, Investment Company, or Other Financial Institutions Operating Under the Laws of This State; Making Such Bonds Security for All Deposits of Public Funds or Other Obligations for Which Depository Bonds or Any Kind of Bonds or Other Securities are Required; Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 1, Chapter 5, Laws of Montana, Extraordinary Session, 1933-34, shall be and is hereby amended so as to read hereafter as follows: Amending clause.

"Section 1. Notwithstanding any other provision of law, it shall be lawful for any executor, administrator, guardian, or conservator, trustee or other fiduciary to in- Who may invest in Home Owners' Loan Corporation Bonds.

Obligations
of National
Mortgage
Association
lawful
investments.

vest the funds or moneys in their custody or possession, eligible for investment, in bonds of the 'Home Owners' Loan Corporation' guaranteed as to principal and interest by the United States Government. Notwithstanding other provisions of the law, it shall be lawful for any insurance company, building and loan association, bank, trust company, investment company and other financial institutions operating under the laws of this state to invest the funds or moneys in their custody or possession, eligible for investment, in bonds of the Home Owners' Loan Corporation and in obligations of National Mortgage Associations or similar credit institutions now or hereafter organized under Title III of the National Housing Act and any amendments thereto, now or hereafter made."

Amending
clause.

Section 2. Section 2, Chapter 5, shall be and is hereby amended to read as follows:

When
obligations
may be
used as
security
for deposit
of public
funds.

"Section 2. Subject to such rules and regulations as may be prescribed by the Superintendent of Banks, the bonds and other obligations herein made eligible for investment, may be used as security for all deposits of public funds or obligations for which depository bonds or any kind of bonds or other securities are required, or may by law be deposited as security."

Saving
clause.

Section 3. If any section, sub-section, sentence, clause or phrase of this Act be for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portion of this Act. The Legislative Assembly hereby declares that they would have passed this Act and each section, sub-section, sentence, clause and phrase thereof separately and irrespective of the fact that one or more of the sections, sub-sections, sentences, clauses or phrases be unconstitutional.

Emergency
clause.

Section 4. The Legislative Assembly hereby finds, determines and declares this Act to be necessary for the immediate preservation of the public peace, health and safety.

Section 5. In the opinion of the Legislative Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved February 19, 1935.

CHAPTER 38

An Act to Increase Labor and Promote Industry by Authorizing Building and Loan Associations, Subject to the Regulations of the Federal Housing Administrator, to Make Loans, Charges, Investments, Advances of Credit, Purchases, Sales, Contracts for Insurance of Mortgages and Stockholders' Accounts and Other Contracts, as are Now, or May Hereafter be Authorized or Provided for in Titles I, II, or IV of an Act of Congress Cited as 'National Housing Act' Approved by the President on the 27th Day of June, A. D. 1934, as Well as by Any Amendment Thereof Duly Passed and Approved: Exempting Such Loans, Charges, Investments, Advances of Credit, Purchases, Sales, Contracts for Insurance of Mortgages and Stockholders' Accounts and Other Contracts from the Operation and Application of General Statutes of This State in Conflict with Said Act and Regulations; Declaring an Emergency."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Subject to such regulations as may be prescribed by the Federal Housing Administrator, pursuant to an Act of Congress cited as the "National Housing Act" approved by the President on the 27th day of June, A. D. 1934, as well as any amendments thereof duly passed and approved, Building and Loan Associations qualified to do business in this state are hereby empowered to make such loans, secured by first mortgages upon real estate, to members or others, charges, investments, advances of credit, purchases, sales, contracts for insurance of mortgages and stockholders' accounts and other contracts as are now, or may hereafter be authorized or provided for by Titles I, II, and IV of said "National Housing Act" and any amendments thereof duly passed and approved.

Building
Loan
Associations
authorized
to make
loans, etc.,
under plans
of National
Housing Act.

Section 2. All loans, charges, investments, advances of credit, purchases, sales, contracts for insurance of mortgages and stockholders' accounts and other contracts made pursuant to the powers in this Act granted shall be exempt from the operation and application of

Exempt from
general laws
of this
state.

the general statutes of this state in conflict with said "National Housing Act" and the regulations issued thereunder.

Scope of
Act.

Section 3. The provisions of this Act shall apply only to loans, charges, investments, advances of credit, purchases, sales, contracts for insurance of mortgages and accounts of stockholders' and other contracts made in connection with and incidental to loans secured by mortgages, insured or to be insured, and accounts insured or to be insured under the provisions of Titles I, II, and IV of said "National Housing Act" and amendments thereof duly passed and approved.

Emergency
clause.

Section 4. The Legislative Assembly hereby finds, determines and declares this Act to be necessary for the immediate preservation of public peace, health and safety.

Section 5. In the opinion of the Legislative Assembly an emergency exists; therefore, this Act shall take effect and be in full force from and after its passage and approval.

Approved February 19, 1935.

CHAPTER 39

An Act to Amend Section 1 of Chapter 138 of the Twenty-second Legislative Assembly as Amended by Chapter 1 of the Twenty-third Legislative Assembly; to Amend Section 3 of Chapter 138 of the Twenty-second Legislative Assembly; and to Amend Section 6 of Chapter 138 of the Twenty-second Legislative Assembly: All Relating to Fixing Standard Grades of Apples.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1 of Chapter 138 of the Twenty-second Legislative Assembly as amended by Chapter 1 of the Twenty-third Legislative Assembly be, and the same is hereby amended to read as follows:

Standard
grades of
apples.

"Section 1. The standard grades of apples for the State of Montana shall be: 'Extra Fancy or First Grade',

'Fancy or Second Grade', 'C', 'Combination Grades', and 'XFFC.'

(A) 'Extra Fancy or First Grade', shall consist of apples of one variety which are mature, hand picked, clean, well formed, sound, free from bruises, limbrubs, spray burns, sunburn, russeting, drought spot, hail marks, visible water-core, broken skin, apple scab, stings, and from diseases and insect injury, except that slight blemishes shall be permitted in this grade.

Extra fancy
or first
grade.

(B) 'Fancy or Second Grade' shall consist of apples of one variety which are mature, hand picked, clean, fairly well formed, sound, free from visible water-core, broken skin, and from damage caused by bruises, limb-rub, spray burns, sunburn, russeting, drought spot, hail marks, apple scabs, diseases and insect injury.

Fancy or
second
grade.

(C) 'C' Grade shall consist of apples which are mature, free from infection, soft bruises and broken skin and must have ten per centum (10%) of color requirements characteristic of the variety, provided that this grade may include healed over worm stings and scab spots not to exceed one-quarter ($\frac{1}{4}$) inch in the aggregate. The word 'Choice' must not be used in connection with this grade.

"C"
grade.

(D) Cull apples shall consist of apples free from infection or disease or serious damage but which do not meet the requirements of Extra Fancy or First Grade, Fancy or Second Grade, or of 'C' Grade and shall be marked in block letters not less than one inch in height on both ends of box 'CULLS.'

Cull
apples.

(E) 'Combination Grades.' When 'Extra Fancy or First Grade' and 'Fancy or Second Grade' apples are packed together the boxes must be marked 'Combination Extra Fancy or First Grade, and Fancy or Second Grade.' When 'Fancy or Second Grade' and 'C' Grades are packed together the boxes must be marked 'Combination Fancy or Second Grade and 'C.' Combination Grades must contain at least twenty-five per centum (25%) of apples which belong to the higher grade in the combination.

Combination
grades.

How
marked.

(F) 'XFFC' Grade shall consist of 'Extra Fancy or First Grade', 'Fancy or Second Grade' and 'C' Grade

"XFFC"
grade.

apples packed in combination. Boxes so marked must contain at least fifteen per centum (15%) of apples of 'Extra Fancy or First Grade' and not more than fifty per centum (50%) of 'C' Grade. No apples failing to meet the requirements of 'C' Grade shall be permitted in this grade.

Size require-
ment.

(G) No apples smaller than two and one-fourth (2¼) inches in diameter shall be permitted in any grade.

Small apples which are under size requirements as prescribed may be shipped if marked "SMALL" in block letters not less than one inch in height on both ends of box, provided such apples are free from insect pests and diseases.

10% tolerance
allowed.

(H) In order to provide for variations incident to commercial grading and handling a tolerance of ten per centum (10%) for a total of all defects from the standard of the grade shall be allowed."

Amending
clause.

Section 2. That Section 3 of Chapter 138 of the Twenty-second Legislative Assembly be, and the same is hereby amended to read as follows:

Apples being
shipped by
car to be
designated
as to grade
by cards.

"Apples shipped or sold in bulk shall have two cards at least ten by twelve inches (10' x 12") in size attached to the doors of the car, or on each side of truck in which they are moved, such cards to designate the grade of the apples contained therein as specified in Section 1 of Chapter 138 of the Twenty-second Legislative Assembly and as amended by this Act, in plain legible printed letters at least two inches in height."

Amending
clause.

Section 3. That Section 6 of Chapter 138 of the Twenty-second Legislative Assembly be, and the same is hereby amended to read as follows:

Penalty for
violation.

"**Penalty for Violation of Act.** No person, firm, company or corporation shall sell or offer for sale or shipment within or without the State of Montana, apples branded or packed in containers in violation of the provisions of this Act. Any person, firm, company or corporation who shall knowingly sell or offer for sale or shipment within or without the State of Montana, apples in violation of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof

shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).''

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1935.

CHAPTER 40

An Act to Amend Section 14, Chapter 147, Acts of the Twentieth Legislative Assembly Relating to the Percentage of Electors Required to Vote on and to Authorize a Bond Issue; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 14 of Chapter 147, Acts of the Twentieth Legislative Assembly be, and the same is hereby amended to read as follows: Amending clause.

''Section 14. **Percentage of Electors Required to Authorize Bond Issue.** Whenever the question of issuing bonds for any purpose is submitted to the qualified electors of a school district at either a general or special school election not less than fifty-one (51) per centum of the qualified electors entitled to vote on such question at such election must vote thereon, otherwise such question shall be deemed to have been rejected; provided, however, that if fifty-one (51) per centum or more of such qualified electors do vote on such question at such election and a majority of such votes shall be cast in favor of such proposition, then such proposition shall be deemed to have been approved and adopted.''
51% of electors required to vote to issue bonds.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 20, 1935.

CHAPTER 41

An Act Relating to Licenses for Hunting and Taking Fish Within the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Temporary
non-resident
fishing
license.

Section 1. That in addition to the licenses provided for in Chapter 161, of the Laws of the Twenty-second Legislative Assembly of the State of Montana, 1931, and there shall be an additional class known as Class BB, which shall be a temporary, non-resident fishing license.

How
procured.

Section 2. Such license may be procured in the manner provided by law for the procuring of other classes of licenses.

License
fee.

Section 3. An applicant for such temporary, non-resident license, if a citizen of the United States and a non-resident of the State of Montana, shall pay to the officer or person countersigning and issuing such license the sum of \$1.50 as a license fee and shall obtain a license of Class BB, which shall entitle the holder to fish with hook and line or rod in hand, as authorized and limited by law, for a period of fifteen days from and after the date of issuance of such license.

Rights
granted.

Limited to
15 days.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Additional
non-resident
license.

Section 5. This Act shall not be construed so as to repeal existing provisions of law for Class B non-resident fishing license, but shall be construed as providing an additional license for non-residents who wish to limit the period to fifteen days.

Repealing
clause.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 20, 1935.

CHAPTER 42

An Act to Amend Section 12109 of the Revised Codes of Montana of 1921, Relating to the Time Appeals May

be Taken to the Supreme Court in Criminal Cases, and Repealing All Acts and parts of Acts in Conflict Here-with.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 12109 of the Revised Codes of Montana of 1921 be, and the same is hereby, amended to read as follows:

Amending clause.

“Section 12109. An appeal from a judgment may be taken within six months after its rendition, and from an order within sixty days after it is made.”

Time limitation on appeals.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 20, 1935.

CHAPTER 43

An Act Relating to Machine Guns, and Their Association with Crimes of Violence as Herein Defined, Providing Presumptions Respecting the Use or Possession Thereof, Search Warrants for Machine Guns, Registration of the Same, and to Make Uniform the Law with Reference Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions.** “Machine Gun” applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than six shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device.

“Machine gun” defined.

“Crime of Violence” applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

“Crime of violence” defined.

“Person” applies to and includes firm, partnership, association or corporation.

“Person” defined.

Possession
or use of,
a crime
when.

Section 2. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a crime punishable by imprisonment in the State Penitentiary for a term of not less than twenty years.

Section 3. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State Penitentiary for a term of not less than ten years.

When
presumed to
be used for
offensive or
aggressive
purposes.

Section 4. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in Section 8 and has not been registered as in said section required; or

(d) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

What is
evidence of
possession
or use.

Section 5. The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

Exceptions
from Act.

Section 6. **Exceptions.** Nothing contained in this Act shall prohibit or interfere with:

1. The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. The possession of a machine gun for scientific purpose, or the possession of a machine gun not useable as a

weapon and possessed as a curiosity, ornament, or keep-sake;

3. The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

Section 7. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not less than One Hundred Dollars (\$100.00).

Manufacturer to keep register of machine guns.

Contents of.

Manufacturer subject to inspection.

Penalty.

Section 8. Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the Secretary of State, on the effective date of this Act, and annually thereafter. If acquired hereafter it shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the Secretary of State, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration date shall not be subject to inspection by the public. Any person failing to register any gun as required by this Section, shall be presumed to possess the same for offensive or aggressive purpose.

Existing machine guns to be registered.

Time for.

Secretary of State to furnish blanks.

Contents of application.

Effect of failure to register.

Section 9. Warrant to search any house or place and seize any machine gun adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber possessed in violation of this Act, may issue in the same manner and

Warrant to search for and seize machine guns.

under the same restrictions as provided by law for stolen property, and any court of record, upon application of the County Attorney, shall have jurisdiction and power to order any machine gun, thus or otherwise legally seized, to be confiscated and either destroyed or delivered to a peace officer of the state or a political subdivision thereof.

Saving
clause.

Section 10. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Uniform
interpretation.

Section 11. **Uniformity of Interpretation.** This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Title.

Section 12. **Short Title.** This Act may be cited as the Uniform Machine Gun Act.

Repealing
clause.

Section 13. **Repeal.** All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed.

Section 14. **Time of Taking Effect.** This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1935.

CHAPTER 44

An Act to Amend Section 2434, Revised Codes of Montana, 1921, Relative to Licenses; Said Amendment Being for the Purpose of Exempting Agricultural Fairs and Veterans' Organizations From the Payment of the Licenses Defined.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2434, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

“Section 2434. **Billiard Tables—Pawnbrokers—Theaters—Intelligence Offices—Shooting Gallery.** License must be obtained for the purposes hereinafter named, for which the County Treasurer must require payment as follows:

License fees.

1. Each proprietor of a billiard, pool, or bagatelle table not kept exclusively for family use, for each table Three Dollars and Seventy Cents per quarter; and for a bowling alley, Five Dollars per quarter for each alley; but no license must be granted for a term less than three months.

Billiard table.

Bowling alley.

2. The manager or lessee of every theater (not a variety or concert theater), One Hundred Dollars per annum; except that in towns of a population of three thousand five hundred or less, in cases where no monthly license is paid, a license of Two Dollars for each single performance must be paid; for each single exhibition of opera or concert singer (not exhibited in any theater where a yearly license is paid), Three Dollars; for minstrels, legerdemain, or shows not herein provided for, Five Dollars for each single performance (when not in a theater where a yearly license is paid); for each variety or concert theater, whether an admittance fee is charged or not, Seventy-five Dollars per month; for every circus or menagerie, including side-shows, One Hundred and Twenty-five Dollars per day; but no license must be collected from any amateur exhibition or concert for school or charitable or religious purposes, from any county, district or state agricultural fairs, rodeo associations, or from any veterans' organizations not conducted for private gain.

Theater.

Single performance license.

Circus.

Exemptions.

3. For each pawnbroker, Fifty-five Dollars per quarter.

Pawnbroker.

4. For each keeper of an intelligence office, Ten Dollars per quarter.

Intelligence office.

5. For each keeper of a shooting gallery, for gain, Fifteen Dollars per quarter.”

Shooting gallery.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force from and after its passage and approval.

Approved February 20, 1935.

CHAPTER 45

An Act to Amend Section 6236 of the Revised Codes of Montana of 1921 as Amended by Chapter 145, Laws of the Eighteenth Legislative Assembly of the State of Montana, 1923, Relating to Official Bonds Required of Public Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 6236 of the Revised Codes of Montana of 1921 as amended by Chapter 145, Laws of the Eighteenth Legislative Assembly of the State of Montana, 1923 be, and the same is hereby amended to read as follows:

Nature of
official
bond.

“Section 6236. Whenever an official bond is required of any state, county, city or township officer, such officer may furnish either a surety company bond, or a good and sufficient individual bond, executed and approved as required by law or may furnish such other security as may be approved by the person, officer, or board authorized by law to examine and approve such official bond; provided, that where such officer shall furnish a surety company bond, the premium therefor shall be a proper charge against the general fund of the state, county, or city, as the case may be; provided, further, that the provisions of this section, making such premium a charge against the general fund of the state, county, city, town or township shall not be construed to include any deputy, clerk or subordinate officer, where a bond is required to be furnished by the principal or body appointing the same.”

Premium
of bond
to be paid
by state,
county
or city.

Proviso.

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1935.

CHAPTER 46

An Act to Regulate Advertising of Agricultural Products; Providing for Grade to be Quoted in Advertise-

ments and Providing for a Penalty for Violation Thereof; and Repealing All Laws in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all advertised prices on agricultural products, on which grades have been established by law, in this state, whether in newspapers, circulars, bills, placards, signs or in any other manner shall in addition to the price quoted show the true grade of the product as provided by law; provided, that price tags exhibited in a place of business upon exposed products shall not be considered advertising under the provisions of this Act.

Grade of
product to
be quoted
in ads.

Proviso.

Section 2. Any person, firm or corporation failing to comply with Section One (1) of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00) or more than Twenty-five Dollars (\$25.00).

Penalty.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 4. This Act shall be in full force and effect immediately upon its passage and approval.

Approved February 23, 1935.

CHAPTER 47

An Act to Amend Subdivision 3 of Section 8 of Chapter 65, Session Laws of 1923, Relating to an Act to Establish a Tax on Direct and Collateral Inheritances, Bequests and Devises; to Provide for its Assessment and Collection; Directing the Dispositions of the Proceeds Thereof; All Acts and Parts of Acts in Conflict Herewith are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Subdivision 3 of Section 8, of Chapter 65, Session Laws of 1923, be amended to read as follows:

Amending
clause.

When a
refund
shall be
made.

“Section 8. (1) **Refunding Tax.** If any debt shall be proved against the estate of the decedent, after the payment of any legacy or distributive share thereof, from which any such tax has been deducted, or upon which it has been paid by the person entitled to such legacy or distributive share and such person is required by the order of the district court having jurisdiction of the tax so deducted or paid, to refund the amount of such debts or any part thereof, an equitable proportion thereof shall be repaid to such person by the executor, administrator or trustee, if the said tax has not been paid to the County Treasurer or State Treasurer, or by them, in the proper proportionate shares, if it has been so paid.

How
refunded.

“Section 8. (2) **How Refund of Tax Made.** When any amount of said tax shall have been paid erroneously to the County and State Treasurer, or to either of them, it shall be lawful for them, on satisfactory proof to the State Board of Equalization of such erroneous payment, to refund to the executor, administrator, person or persons who shall have paid any such tax in error, the county's and state's proportionate amount of such tax so paid; provided that all such applications for refund shall be made within two (2) years from the date of such payment.

Time
limitation on
application
for refund.

Advance
payment,
how made.

“Section 8. (3) **Advance Payment of Tax.** Any person from whom such tax is or may be due may make an estimate of and pay the same to the Clerk of Court, who shall receipt therefor, at any time before the same is determined by the court, and shall thereupon be relieved from any interest or penalty upon the amount so paid in the same manner as if the tax were then determined. The money shall be paid to the Clerk of the District Court who must deposit same with the County Treasurer for credit to the Clerk of the District Court's deposit or trust fund until the correct amount of the tax has been determined. As soon as the correct amount of inheritance tax has been determined, any excess so paid shall be refunded to the person so paying or entitled thereto by such Clerk of Court out of said trust fund, and the County Treasurer shall receipt for the amount of the inheritance tax so determined by the court.”

Relieves
from penalty
or interest.

Money,
how held.

Excess
to be
refunded.

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1935.

CHAPTER 48

An Act Establishing the State Board of Dental Examiners of the State of Montana, and Specifying the Qualifications, Term of Office and Compensation, and Providing for the Appointment of the Members of the Board, Prescribing the Powers and Duties of Said Board, Specifying the Qualifications of Applicants for Licenses to Practice Dentistry and Dental Hygiene Within the State of Montana, Providing for the Examination of Such Applicants and the Fees to be Paid by Them, the Issuance of Licenses to Successful Applicants, Defining and Regulating the Practice of Dentistry Within the State of Montana, Prohibiting the Practice of Dentistry Without a License and Providing Penalties for the Violation of This Act, Defining and Prohibiting Unprofessional Conduct of Dentists and Specifying the Grounds and Procedure for the Revocation of Licenses, and Further Prescribing Penalties for the Violation of This Act in Such Particulars and Repealing Sections 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114 and 3115 Revised Codes, Montana, 1921, Being Chapter 222, Part III, Political Code of the State of Montana, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created a State Board of Dental Examiners of the State of Montana which board shall consist of five (5) members, and shall be composed of the present member personnel of the Board of Dental Examiners superseded by this Act, until the time when their respective terms of office would expire, except for this Act and upon the expiration of such respective periods of time for which any member of said board would serve, the Governor shall appoint his successor who shall hold office for five (5) years and until his

State
Board of
Dental
Examiners.

Governor
to appoint. successor shall be appointed and qualify; and thereafter as often as the term of any member of said board shall expire, the Governor shall appoint his successor as herein provided for said term of five (5) years.

Vacancy
to be filled
by Governor. Any vacancy upon the board caused by the resignation, death or removal of a member shall be filled by the Governor by appointment for the unexpired term of that member.

Dental
Association
to submit
list of
candidates
for board. The Montana State Dental Association shall, through its secretary, present to the Governor within fifteen (15) days after its regular annual meeting, a list of the names of not less than five candidates from which appointments for vacancies on the board occurring during the ensuing year may be made, provided that at all times at least three (3) members of the board shall be appointed by the Governor from the list of candidates so submitted by the said Association. No person shall be eligible to membership on said Board of Dental Examiners who has not been legally qualified to practice, and who has not been engaged in the active practice of dentistry in the State of Montana for at least five (5) continuous years immediately prior thereto, and who does not at the time of his appointment hold a certificate entitling him to practice dentistry in the State of Montana, and who is not a citizen of the United States and a resident of the State of Montana.

At least
three to be
appointed
from list.

Qualification
of members
for board.

Oath of
office. Section 2. Each member of said board hereafter appointed shall before entering upon the duties of his office, take and subscribe an oath or affirmation substantially to the effect that such member will support the constitution and laws of the United States and the State of Montana, and that such member will faithfully perform the duties of a member of the State Board of Dental Examiners of the State of Montana. The Governor may remove any member for neglect or cause, after due notice and full hearing before the Governor.

Removal from
office.

Official
seal.

Officers of
board.

Section 3. Said board shall have an official seal of its own design, and shall employ the same to authenticate its acts and records as may be required; and shall, at its annual meeting, choose from its members a president, vice president and secretary-treasurer, who shall serve at the pleasure of the board. Any member of the board

shall have the power to administer oaths and affirmations and said board shall have the power to hear testimony and subpoena witnesses as to all matters relating to the duties imposed upon it by law.

Power to administer oaths and hear testimony.

Section 4. The board shall meet at least once in each year or oftener at any point in the State of Montana at the call of the president and the secretary-treasurer. Five days' notice must be given by the secretary-treasurer to all board members of the time and place of the meeting of said board. The regular annual meeting of the board shall be held on the second Monday in July of each year. Three members of said board shall constitute a quorum for the transaction of business and its proceedings shall be open to public inspection in all cases of public interest. All moneys received by the board and/or its officers for the board, shall be paid to the secretary-treasurer of the board, who shall be the custodian of the board's receipts and funds, and all disbursements shall be made by him in accordance with this Act, and the directors of the board.

Meetings.

Notice of.

Time for regular meeting.

Quorum.

Funds of board.

The secretary-treasurer shall give bond in such amount as the board may from time to time require, which bond shall be approved by the board, and he shall keep a complete record of all meetings and proceedings of which records the secretary-treasurer shall be custodian, and he shall keep a true and complete account of all moneys received and disbursements made by the board and by him as such officer. The secretary-treasurer shall, not later than the fifteenth day of January of each year, cause to be prepared, a full, true and accurate account of all moneys received, and of all expenditures made, including per diem and expenses of each board member, during the last preceding calendar year, which shall be verified and certified by a certified public accountant employed by the board. A copy of such account shall be delivered to the Governor of Montana and like copies shall be mailed to every registered dentist in the State of Montana.

Bond required of secretary-treasurer.

Duties of secretary-treasurer.

Account of money to be kept.

Copies of account, how distributed.

Section 5. Any person desiring to commence the practice of dentistry in the State of Montana after this Act takes effect, shall file in his or her full name, an application for examination, with the secretary-treasurer

Application for examination in dentistry.

of the State Board of Dental Examiners at least twenty (20) days before the date set by the board for the commencement of such examinations, and at the time of making such application the applicant shall (a) pay to the secretary-treasurer of the board a fee of Twenty-five Dollars (b) shall furnish the board with at least three (3) satisfactory affidavits of good moral character, (c) shall present to said board his or her diploma or satisfactory evidence of having graduated from a recognized dental school or college, which must have been approved by said board, and (d) shall furnish the board a recent photograph of the applicant.

Fee for
application.

Diploma of
recognized
school.

Photo of
applicant.

The board may, in its discretion, permit any dental student who shall have successfully completed his or her junior year in a recognized dental school, and who files proof satisfactory to the board that he or she has the preliminary education in this section described, to take written examination in such subjects as he or she has completed, and all satisfactory grades there secured shall be credited upon the final examination of such student. The board shall require a fee of Twenty-five Dollars for such examination which fee shall apply on the final examination to be taken by such applicant.

Examination
for
undergraduate.

Fee for.

Uniform
code of
regulations
for
examination.

Notice of
examination.

Scope of
examination.

The board shall adopt a Uniform Code of Rules and Regulations within the limitations of this Act, governing the matter of examinations for license to practice dentistry in the State of Montana, which examinations shall be open to any applicant meeting the requirements of this Act, and shall also provide in such code for giving reasonable notice of the time and place where examinations shall be held. The examination hereinabove referred to shall be practical in character, and sufficiently thorough to test the fitness of the applicant to practice dentistry. It shall include, written in the English language, questions on any or all of the following subjects: Anatomy, histology, physiology, chemistry, materia medica and therapeutics, metallurgy, pathology, bacteriology, anesthesia, operative and surgical dentistry, prosthetic dentistry, prophylaxis, and orthodontia, and any additional subjects pertaining to dental science. Said written examination may be supplemented by oral examinations. Demonstrations of the applicant's skill in operative and prosthetic dentistry shall also be required.

Said examination shall be conducted under oath or affirmation before said board, and any member of said board is empowered to administer the necessary oath or affirmation. All persons successfully passing such examination shall be registered as licensed dentists in the board register, as hereinabove provided, and, upon payment of an additional Twenty-five Dollars shall receive a certificate signed by the president and secretary of said board, in substantially the following form, to-wit:

Examination to be conducted under oath.

Fee for dental certificate.

"This is to certify that.....is hereby licensed to practice dentistry in the State of Montana. This certificate must be filed for registration in the office of the County Clerk of any county in which the dentist holding such certificate desires to practice, and it is unlawful for him or her to practice dentistry in any county in which said certificate is not filed for registration.

Form of certificate.

Dated at....., this.....day of , 19....."

Examination papers of any applicant shall be retained two (2) years by the secretary-treasurer of the board and may then be destroyed, and while so retained shall be open to inspection only by board members, the applicant himself, or by some person appointed by such applicant to examine same, or by a court of competent jurisdiction in a proceeding where the question of the contents of such paper or papers is properly involved.

Examination papers to be retained.

When papers may be examined.

Section 6. The certificate in this Act provided for shall entitle the holder thereof to practice dentistry in any county in the State of Montana, provided such certificate shall first be filed for registration and registered in the office of the County Recorder of the county in which such holder desires to practice, and nothing herein contained shall be construed to permit any holder of any certificate to practice in any county in this state unless such certificate shall have been first registered in the office of the Recorder of such county as herein provided; provided further that any such holder of a certificate may practice in more than one or in any number of counties in this state on having such certificate registered in each of such counties in which such holder desires to practice. Said Board of Dental Examiners shall, upon

Certificate to be registered in county where practicing.

Entitled to practice in any number of counties.

Duplicate to replace lost certificate.

Second examination allowed after failure.

When dentists from other states may be admitted to practice.

Requirements.

Fee.

Practical examination required.

Reciprocity required of state from which transfer is made.

satisfactory proof of the loss of any such certificate issued under the provisions of this Act, issue a duplicate certificate in place thereof, and a fee of one dollar shall be charged for issuing such certificate. Any person failing to pass his first examination before such board, may demand a second examination at any subsequent meeting of said board held for the purpose of examining candidates, and no fee shall be charged for any subsequent examination.

Any dentist who has been (1) lawfully licensed to practice in another state or territory which has and maintains a standard for the practice of dentistry or dental surgery which in the opinion of the board is equal to that at the time maintained in this state, and (2) who is a graduate of an accredited four year high school or has actual scholastic credits equivalent to a four year high school course and (3) who is a graduate of a recognized dental school or college, and (4) who has been lawfully and continuously engaged in the practice of dentistry for five years or more immediately before filing his application to practice in this state and (5) who shall deposit in person with the secretary-treasurer of the board a duly attested certificate from the examining board of the state or territory in which he is registered and/or licensed, certifying to the fact of his registration and license and of his being a person of good moral character and of professional attainments, may, (6) upon the payment of a fee of Fifty Dollars (\$50.00) and (7) after satisfactory practical examination demonstrating his proficiency, be granted a license to practice dentistry in this state, without being required to take an examination in theory. Provided, however, that no license shall be issued without an examination in theory to any such applicant, unless the state or territory from which such certificate has been granted to such applicant shall have extended a like privilege to engage in the practice of dentistry within its own borders to dentists heretofore and hereafter licensed by this state, and removing to such other state; and provided, further, that the State Board of Dental Examiners of the State of Montana shall have power to enter into reciprocal relations with similar boards of other states whose laws are practically identical with the provisions of this Act.

In addition to the license fee required of applicants, every licensed dentist practicing within the State of Montana shall pay in each and every year to the secretary-treasurer of the board, the sum of Four (\$4.00) Dollars, as a license fee for such year, provided, however, that the board shall have the power to reduce the annual license fee of Four Dollars to the sum of One (\$1.00) Dollar or more (but not in excess of Four (\$4.00) Dollars) per year when the amount of the balance of cash in the hands of the secretary-treasurer reaches the sum of Four Thousand Dollars, it being the intent of this Act that said fund shall be maintained at an approximate level of Four Thousand Dollars. Notice of such change in the amount of dues shall be given to each dentist registered in the state, by the secretary-treasurer.

Annual license fee.

When license fee may be reduced.

Notice of.

In the event any registered dentist absents himself from the state for a period of one or more years, or does not engage in active practice within the State of Montana, he may continue his license in good standing by the payment of One Dollar each year, or, at the discretion of the board, he may be reinstated upon the payment of a fee of One Dollar (\$1.00) for each year's absence. Such annual payments shall be made prior to May first in each and every year, and receipt or certificate therefor shall be issued by the secretary-treasurer of the board. In case of default in payment of annual license fee by any dentist, his license shall be revoked by the board upon thirty days' notice given to the delinquent of the time and place of considering such revocation. A registered letter addressed to the last known address of the party failing to comply with this requirement, as such address appears upon the records of the board, shall constitute sufficient notice of revocation of license, but no license shall be revoked for such non-payment if the dentist so notified shall pay such license fee before or at the time fixed for consideration of revocation together with a delinquency penalty of Five Dollars; provided further that said board may collect any such dues by law.

Inactive fee.

Annual fees, due when.

License may be revoked for failure to pay.

Section 7. The County Clerk of each county in the State of Montana is required to register in a special book to be kept by him for that purpose, to be known as the Register of Dentists, all certificates issued under the

County Clerk to keep a register of dentists.

provisions of this Act which may be presented to him for that purpose. Such registration shall show the name and place of residence of the certificate holder, the date of the issuance of such certificate, and the date of the registration thereof. After the registration of any such certificate, such County Recorder shall return the same with the certificate of its registration, to the party entitled thereto. Such County Clerk shall receive for such filing and registration a fee of One (\$1.00) Dollar, which shall be paid by the holder thereof.

Contents of.
Registration fee.

Effect of failure to register upon prosecution under Act.

Section 8. In any prosecution for misdemeanor under the provisions of this Act the certificate of the County Recorder of the county within which such misdemeanor is alleged to have been committed to the effect that there has been no certificate of the Board of Dental Examiners of the State of Montana, filed and registered in such County Recorder's office, issued under the provisions of this Act, to the person accused of such misdemeanor, shall be sufficient prima facie proof that such person is not entitled to practice dentistry in such county.

Compensation of board members.

Examination meetings not to exceed 6 days.

Employment of counsel to enforce Act.

Compensation of Secretary-Treasurer.

Section 9. Out of the funds coming into the possession of the board from the fees and dues charged as hereinabove provided, the sum of Fifteen (\$15.00) Dollars per day for each day actually engaged in the duties of his office and the amount of the actual railroad and Pullman fares to and from his place of residence to the place where the meetings of said board are held, shall be paid to each member of said board attending such meetings. Meetings held for the purpose of examining candidates for license to practice dentistry in Montana shall in no case exceed six days. Said board may, if by it deemed advisable, with the consent of the County Attorney of any county, employ and compensate out of said fund, special counsel to assist in the prosecution in the courts of such county and in the Supreme Court of this state, of any offense alleged to have been committed under the provisions of this Act in such county. Such expenses shall be paid from the fees received by the board under the provisions of this Act. The secretary-treasurer of the board shall receive such reasonable compensation for his services as said board may fix. All moneys received from any source in excess of expenses and salaries above provided for, shall be held by the

secretary-treasurer of said board as a special fund for meeting the expenses of said board, the proper administration of this Act and for such educational purposes as may be deemed wise by said board. All moneys on hand shall be invested or deposited under the direction of the board, and all moneys received by the board under this Act shall be and remain subject to its exclusive custody and control.

Disposition
of moneys.

Section 10. Any person shall be considered to be practicing dentistry within the meaning of this Act who shall own, manage or carry on a dental practice or business or who shall, for salary, fee, money, or other compensation paid either to himself or to any other person directly or indirectly, perform, or cause to be performed by any other person, agent, or employe, any operation upon or treatment of the human teeth, or tooth, jaw or jaws, or any disease or lesion of the human teeth, or tooth, jaw or jaws, or the malposition thereof, or do any drilling or filling, or who attempts to perform any operation incident to the replacement of teeth or removing tartar from, cleaning or extracting human teeth or tooth of any person, or who shall administer an anaesthetic of any nature, or who shall prescribe any drug or medicine, in the practice of the profession of dentistry or in the business of dentistry; or who shall advertise by any means whatsoever, that he will himself, or by any other person, agent or employe, perform any operation or give any treatment in this paragraph specified; provided, however, that any person, who is not a regularly licensed dentist but who is, at the time this Act takes effect, the owner and/or manager of a lawfully conducted dental business or practice in the State of Montana, wherein the dental work in this paragraph specified is actually performed by any other person, agent or employe who is in fact a regularly licensed dentist within this state, shall be permitted to carry on such dental business or practice so long as he shall continue to conduct such dental business or practice through the agency of dentists and dental hygienists duly licensed and practicing under this Act.

Who is
deemed
"practicing
dentistry."

Persons
conducting
a dentist
business
thru a
licensed
dentist.

Nothing in this Act contained applies to a legally qualified physician or surgeon or to a dental surgeon

Exemptions.

of the United States Army, Navy, Public Health Service, or Veterans' Bureau, or to a legal practitioner of another state making a clinical demonstration before a dental society, convention or association of dentists, or to a legally qualified dental hygienist in the performance of his or her duties as provided by law.

Duty of
County
Attorneys
to enforce.

Section 11. It shall be the duty of the County Attorney of each county wherein an offense is alleged to have occurred, to attend to the prosecution of all complaints made under this Act, both upon trial in the justice court where the complaint may be made, and also upon hearing in the district court, either upon such complaint, or upon information or indictment filed against any person under this Act in the district court; provided, nothing in this Act shall be construed to prevent the prosecution of any person for violation of this Act upon the information of the County Attorney directly. The Attorney General of the state shall appear in the Supreme Court and attend to the prosecution of all criminal cases arising under this Act, which may be appealed to said court, or taken to said court by any appellate process or procedure for review. Justice courts shall have original concurrent jurisdiction in accordance with law of all misdemeanors committed in violation of the provisions of this Act.

Attorney
General to
conduct
appeals.

Justice
Courts have
concurrent
jurisdiction.

Effect of
using the
designation,
of "Dentist."

Section 12. Whenever any person shall append the word "Dentist," or the letters "D. D. S., D. M. D.," or like letters to his or her name, in any way, for advertising, or upon any door or sign, or upon or in any writing, or print or publish or use the same in any way, or cause either of the same to be done, the same shall be prima facie evidence that such person is engaged in the practice of dentistry and subject to the regulations and convictions and penalties of this Act.

Grounds for
revoking
licenses.

Section 13. Any dentist may have his or her license revoked or suspended by the State Board of Dental Examiners for any of the following reasons:

Conviction of
felony.

1. Conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction or a certified copy thereof, certified by the Clerk of the Court or by the judge in whose court the conviction is had, shall be conclusive evidence.

2. For renting or loaning or attempting to rent or loan to any person his or her license for the practice of dentistry or his or her diploma of graduation from a dental college, school or course to be used as a license or diploma of such person.

Renting or loaning license or diploma.

3. For unprofessional conduct as herein defined or for gross ignorance or inefficiency in his profession, or for habitual intemperance or gross immorality.

Unprofessional conduct.

Unprofessional conduct shall consist of employing what are known as "cappers" or "steerers" to obtain business; the obtaining of any fee by fraud or misrepresentation; wilfully betraying professional secrets; employing, directly or indirectly, any student or any suspended or unlicensed dentist to perform any operations in the practice of dentistry or to treat lesions of the human teeth or jaws or correct malimposed formations thereof; making use of any advertising statements of a character tending to deceive or mislead the public; advertising prices; advertising professional superiority, or performance of professional services in a superior manner; advertising by means of a large display, glaring light sign, or other sign or device containing as a part thereof the representation of a tooth, teeth, bridge work, or any portion of the human head; advertising over the radio in any manner not expressly permitted by this chapter; employing or making use of advertising solicitors or publicity press agents; advertising any free dental work or free examination; advertising to guarantee any dental service or to perform any dental operation painlessly; advertising by sign or printed advertisements under the name of a corporation, company, association or trade name, except that corporations, companies or associations existing and actually engaged in the practice of dentistry prior to the enactment of this chapter may continue operating under such name while conforming to the provisions of this Act. Proceedings under this section may be taken by the board upon its initial motion, from matters within its knowledge, or may be taken upon the information of another; provided, however, that if the informant is a member of the board, the other members of said board shall constitute the board for the purpose of determining the truth of the charge or accusation. All accusations must be in writing, verified by some

What constitutes "unprofessional conduct."

Proceedings, how commenced.

Accusations to be in writing.

When Board
shall order
hearing.

Service of
process.

Fees for
service of
process.

Duty of
accused to
appear and
answer.

Board to
hear and
determine.

May revoke
or suspend
license.

Benefit of
counsel
allowed.

Issue
subpoenas.

party familiar with the facts therein charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation the board shall, if it deem the accusation sufficient, make an order setting the same for hearing, and requiring the accused to appear and answer such charge or accusation at said hearing, at a specified time and place, and the secretary shall cause a true copy of said order of the board and of the accusation or charge to be served upon the accused at least ten (10) days before the day appointed in the order for said hearing. The process issued by the board, or any member thereof, shall extend to all parts of the state, and may be served by any persons authorized to serve process of courts of record, or by any person designated for that purpose by the board or any member thereof. Proof of service shall be made as provided in civil cases in courts of record and shall be filed with the secretary of the board. The person executing any such process shall receive such compensation as may be allowed by the board, not to exceed the fees now prescribed by law for similar service, and such fees shall be paid in the same manner as provided herein for the fees of witnesses. The accused must appear at the time appointed in the order and answer the charges and make his defense to the same, unless for sufficient cause, upon the accused's application or the board's order, the board assign another day for that purpose. If the accused does not appear the board may proceed and determine the accusation in his absence. If the accused confess the accusation or refuse to answer the charge, or upon the hearing thereof, the board shall find the charge or accusation (whether one or more) true, it may proceed to an order either revoking the license of the accused or suspending it for a fixed period. The board and the accused may have the benefit of counsel, and the board shall have the power to administer oaths, take depositions of witnesses in the manner provided by law in civil cases, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state. Such subpoena shall be issued over the signature of the secretary of the board and the seal thereof, and in the name of the State of Montana. Upon revocation or suspension

of any license the fact shall be noted upon the records of the State Board of Dental Examiners of the State of Montana and the license shall be marked as cancelled upon the date of its revocation, or suspended, as the case may be. The secretary of the board shall, upon order of suspension or revocation being entered, transmit to the County Recorder wherein the license of the licensee affected by such judgment is registered and recorded, a copy of such order, certified to as such by said secretary of the board, for record, and the same shall be registered in the same manner and in the same book wherein is kept the registration of the certificate to practice dentistry.

Revocation
to be noted
upon
records
of board

Order
of board.
to be
registered.

Section 14. In case of the revocation or suspension of a license by the said board the licentiate whose license shall have been revoked by the said board shall have the right to judicial review of said revocation or suspension by commencing proper proceedings therefor within 30 days of the filing of the order of cancellation or revocation of said license, including trial de novo. Such review shall be in the district court in and for the county in which was held the meeting of the board in which such order of revocation or suspension was made. In case a person desires to secure such review, with or without trial de novo, he shall within said thirty (30) days serve, or cause to be served, upon the secretary of said board, a written notice of appeal for review which shall contain a statement of the grounds of such appeal, and such person shall also file in the office of the secretary of the board an appeal bond, in an amount not to exceed Three Hundred (\$300.00) Dollars, with good and sufficient surety to be approved by said secretary, running to the State of Montana for the benefit of the board, conditioned for the speedy prosecution of such appeal and the payment of such costs as may be charged against the party appealing upon such appeal. Said secretary, within ten days after the service of said notice of appeal, and the filing and approval of said bond, shall (at the expense of the appellant where the evidence is sought to be reviewed) transmit to the Clerk of the District Court to which said appeal is taken, a certified copy under the seal of said board, the entire record and proceedings before the board including all testimony and evidence taken by said board, together with the bond on appeal. The

Right of
judicial
review of
revocation.

Time for.

Procedure for
review.

Notice of
appeal.

Appeal
bond.

Secretary
of board
to transmit
record of
proceedings
before
board.

How tried.

clerk of such court shall thereupon docket such appeal and the same shall be tried in all respects as ordinary civil actions and like proceedings shall be had as therein. Upon said appeal said cause at the request of appellant or the board, shall be tried de novo, with the right to offer additional evidence by any party. Either party may appeal from the judgment of the district court to the Supreme Court in the same manner as civil actions may be appealed thereto. The order of the board shall be stayed from the date of the approval of said bond on appeal until final determination of said appeal.

Appeal to
Supreme
Court
allowed.

Witness fees
allowed.

Section 15. Each witness who shall appear by order of the board, or any member thereof shall be entitled to receive, if demanded, for his attendance the same fees and mileage allowed by law to a witness in civil cases in the district court, which amount shall be paid by the party at whose request such witness is subpoenaed, unless otherwise ordered by the board. When any witness, who has not been required to attend at the request of any party, is subpoenaed by the board, his fees and mileage may be paid from the funds of the board in the same manner as other expenses of the board are paid. Any witness subpoenaed, except one whose fees and mileage may be paid from the funds of the board, may at the time of service demand the fee to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service and they are not at that time paid or tendered, he shall not be required to attend before the board, or a member thereof or referee, as directed in the subpoena.

Witness may
demand fee
in advance,
when.

Power of
District
Court
on hearing.

Section 16. The district court in and for the county in which any inquiry, investigation, hearing, or proceeding may be held by the board, or any member thereof, shall have the power to compel the attendance of witnesses, the giving of testimony, and the production of papers, books, accounts, and documents as required by any subpoena issued by the board, or any member thereof. The board, or any member thereof, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the district court in and for the county in which the pro-

Board may
get order
from court
compelling
attendance of
a witness.

ceeding is pending, by petition, setting forth that due notice has been given of the time and place fixed for the attendance of said witness, or the production of said papers, and that the witness has been summoned in the manner prescribed in this Act, and that the witness has failed and refused to attend, or produce the papers required by the subpoena before the board or any member thereof in the case or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceedings, and ask an order of said court compelling the witness to attend and testify or produce said papers before the board. The court, upon the petition of the board, or any member of the board, shall enter an order directing the witness to appear before the court at the time and place to be fixed by the court in such order, not more than ten days from the date of the order, and then and there show cause why he has not attended or testified, or produced such papers before the board. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the board, or a member thereof, and regularly served, the court shall thereupon enter an order that said witness appear at the time and place fixed in said order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court.

Order of court.

Failure to obey constitutes contempt.

Section 17. It shall not be considered unprofessional for a dentist to place in any newspaper or publication, a card bearing his name only, together with his or her degree, or the word "Dentist", and giving office location, hours and telephone numbers and if he limits his practice to a specialty he may so announce it, or he may announce his absence from, or his return to, practice in the same manner. Such card or announcement shall not be more than one column in width, nor more than three inches in depth.

Professional announcements proper.

Section 18. Any person, company or association shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable with a fine of not less than Fifty Dollars (\$50.00), nor more than Two Hundred Dollars (\$200.00), or by imprisonment for not more than six (6) months in the county jail or by both such fine and imprisonment, who:

Penalties for violations listed below.

Sell or barter
diploma or
certificate.

1. Shall sell or barter, or offer to sell or barter, any diploma or document, conferring or purporting to confer any dental degree, or any certificate or transcript, made or purporting to be made, pursuant to the laws regulating the license and regulation of dentists; or

Purchase
diploma or
certificate.

2. Shall purchase or procure by barter, any such diploma, certificate or transcript, with intent that the same shall be used as evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice; or

Alter
diploma or
certificate.

3. Shall, with fraudulent intent, alter in a material regard any such diploma, certificate or transcript; or

Fraudulent
use of
diploma or
certificate.

4. Shall use or attempt to use any such diploma, certificate or transcript which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist; or

Practice
under
false name.

5. Shall practice dentistry under a false or assumed name; or

Make a
false
statement
in application.

6. Shall in an affidavit, required of an applicant for examination, license or registration, under this Act, wilfully make a false statement in a material regard; or

Practice
without
displaying
registration
certificate.

7. Shall engage in the practice of dentistry under any title or name without causing to be displayed in a conspicuous manner and in a conspicuous place in his or her office, the required annual registration certificate for the current year; or

Failure to
furnish list
of persons
practicing
in office.

8. Shall, within ten days after demand made by the secretary of the board, fail to furnish to said board the name and address of all persons practicing or assisting in the practice of dentistry in the office of said person, company or association, at any time within 60 days prior to said notice, together with a sworn statement showing under and by what license or authority said person, company or association and said employee are and have been practicing dentistry, but said affidavit shall not be used as evidence against said person, company or association in any proceeding under this section.

Practicing
dentistry
without
certificate
unlawful.

Section 19. Any person who, as principal, agent, employer, employee or assistant, shall practice dentistry in any manner whatever, or who for reward or hire shall

do any act of dentistry, without having first secured his or her certificate to practice dentistry from the State Board of Dental Examiners of the State of Montana entitling him or her to so practice in this state, shall be guilty of a misdemeanor, and upon conviction in a district court shall be fined in any sum not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or be confined for any period not exceeding six months in the county jail, for each and every offense. All fines imposed and collected under this Act shall be paid into the treasury of the county in which such suits, actions or proceedings shall have been commenced. All moneys thus paid into the treasury over and above the amount necessary to reimburse the county for any expense incurred by said county, in any suit, action or proceeding brought under the provisions of this Act, shall be paid, before the first day of January of each year, to the secretary-treasurer of the State Board of Dental Examiners of the State of Montana, and become and be a part of the fund to be used by the said State Board of Dental Examiners in the enforcement of the provisions of this Act, and shall be used for no other purpose.

Penalty.

Disposition of fines.

Section 20. The said Board of Dental Examiners may affiliate with the National Association of Dental Examiners as an active member, and may pay regular annual dues to said association, and may send a delegate to the meetings of such association, which delegate shall receive as compensation his actual railroad and Pullman fare, or an amount equal to railroad and Pullman fare, to and from the place of meeting of the National Dental Association, plus an allowance of Ten (\$10.00) Dollars for each day of actual attendance at such meeting and for each day spent in traveling to and from the place of such meeting.

Board to affiliate with national association.

Expenses allowed delegate to national convention.

Section 21. Said board may also issue licenses to dental assistants to be known as dental hygienists. Every candidate for examination as dental hygienist shall pay the secretary-treasurer of the board a fee of Ten Dollars, and shall furnish satisfactory proof that he or she is a graduate of an accredited high school in this state maintaining a complete four (4) year course or a school of like and equal standing in any other state or country,

"Dental Hygienists" license.

Qualifications.

Hygienists
to be
registered.

or has actually earned units of study equivalent to those necessary for graduation from such school and who has earned a diploma or certificate from a recognized school of dental hygienists offering a course of study with such equipment and facilities as shall be approved by the board, which shall ascertain and determine what shall constitute a recognized school within the meaning of this Act. Every applicant who shall successfully pass such examination as may be prescribed by the board shall be granted a license as a dental hygienist, and shall be registered as such in a record kept by the secretary of the State Dental Board, and shall receive a certificate, signed by the president and secretary-treasurer of the board, in substantially the following form, to-wit:

Form of
certificate
issued to
dental
hygienists.

“This is to certify that.....
is hereby licensed as a dental hygienist in the State of Montana. This certificate must be filed for registration in the office of the County Clerk of any county in which the holder of this certificate desires to practice, and it shall be unlawful for him or her to practice in any county in which said certificate is not filed for registration.

Dated at....., this.....
day of....., 19.....”

Re-examina-
tion allowed,
when.

Any applicant for license as dental hygienist failing to pass his or her first examination may take a subsequent examination at any regular meeting of the board without further cost. Such licensed dental hygienist may remove calcareous deposits, accretion and stains from the exposed surfaces of teeth and from directly beneath the normal free margin of the gums and may prescribe or apply ordinary mouth washes of soothing character, but shall not perform any other operation on the teeth, mouth, or tissues of the oral cavity. Such licensed dental hygienist may operate in the office of a legally licensed dentist or in any state or municipal institution or in public schools, or under a Board of Health or in any public clinic authorized by said board, but shall not operate in any case except under the direct supervision of a licensed dentist. The board may revoke or suspend the license of any dental hygienist for violating any provision hereof, and may revoke or suspend the license of any registered dentist who shall permit any dental hy-

Powers and
limitations
of dental
hygienists.

Revocation
of license.

gienist operating under his supervision to perform any operation other than those permitted under the provisions of this section.

Section 22. Before the first day of May in each year every licensed dental hygienist shall pay to the Board of Dental Examiners a license fee of \$1.00, and in default of such payment, the board may after hearing and upon thirty (30) days' notice revoke the license of the hygienist in default; but the payment of such fee on or before the time of hearing, with such additional sum as shall be fixed by the board, not exceeding One Dollar, shall excuse the default. The board may collect such fee by suit.

Annual
license fee.

Revocation
of license
for failure
to pay.

Section 23. Any dental hygienist duly licensed to practice as such in another state having and maintaining an equal standard of laws regulating the practice of dental hygienists within this state and who is a graduate of an accredited high school maintaining a complete four (4) year course and who is also a graduate of a recognized school of dental hygiene, and who is of good moral character and is desirous of removing to this state, and deposits in person with the Board of Dental Examiners a certificate from the Examining Board of the state in which he or she is licensed, certifying to the fact of his or her being licensed and that he or she is of good moral character and professional attainments, may, upon the payment of a fee of Ten Dollars (\$10.00), at the discretion of the board, be granted a license to practice in this state without further examination. As to any person so applying and who has been licensed in a state not maintaining a standard of laws equal to those in force within this state, the board may license such persons upon the payment of the fee provided for above, furnishing the same evidence as to licensing, good moral character, and professional attainments, and passing such further examinations as the Board of Dental Examiners shall deem necessary.

When
hygienists
from other
states may be
admitted to
practice.

Requirements.

Fee.

It shall be unlawful for any person, who is not at the time of the passage of this Act, employed as a dental hygienist in the office of a regularly licensed dentist in this state, to commence such practice unless such person shall have obtained a certificate, as herein provided.

Unlawful to
practice
without
certificate.

Practicing
hygienists
to be
admitted.

Any dental assistant who can produce satisfactory evidence that such person has been employed as a dental hygienist in the office of a regularly licensed dentist in the State of Montana for one or more years prior to the passage of this Act, may, upon payment of a fee of Ten (\$10.00) Dollars, be granted a certificate to practice by the State Dental Board. Such certificate must be secured before such person may continue practice as a hygienist.

Fee.

Recognition
of dental
colleges.

Section 24. In determining what shall constitute a recognized dental college or school and/or a recognized school of dental hygiene, the Board shall be guided by the standards, canons and practices required for such recognition by the National Association of Dental Faculties.

Saving
clause.

Section 25. If any section, clause, sentence or provision in this Act shall be found unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not be deemed to invalidate any other section, clause, sentence, provision or portion of this Act.

Repealing
clause.

Section 26. Sections 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114 and 3115, Revised Codes of Montana, 1921, being Chapter 222, Part III, Political Code of the State of Montana, shall be and the same are, and each thereof is, hereby repealed, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Act how
cited.

Section 27. This Act may be known and cited as the "Montana Dentistry Regulation Act" and said State Board of Dental Examiners of the State of Montana is hereby declared to be a regulatory board within the meaning of the proviso of Section 192, Revised Codes of Montana, 1921, as amended.

Section 28. This Act shall be in full force and effect from and after its passage and approval, and organization of said State Board of Dental Examiners of the State of Montana, created hereby shall be accomplished within thirty (30) days thereafter.

Approved February 23, 1935.

CHAPTER 49

An Act to Amend Section 5138 of the Revised Codes of Montana, 1921, as Amended by Section 1 of Chapter

135 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, Relating to Hours of Work of Members of Paid Fire Departments of Cities of the First and Second Class, Providing a Minimum Compensation for Members of Paid Fire Departments of Cities of the First Class, Providing that Members of Paid Fire Departments of Cities of the Second Class Shall Suffer no Reduction in Salary on Account of the Operation Thereof, Providing the Act Shall Not be Operative as to Cities of the Second Class Unless the City Council, City Commission or Other Government Body Shall by Ordinance Adopt This Act, Providing Penalties for a Violation Thereof, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5138, of the Revised Codes of Montana, 1921, as amended by Section 1 of Chapter 135 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 5138. On and after July 1st, 1935, in cities of the first and second classes, the City Council, City Commission, or other governing body, shall divide all members of the paid Fire Department, except the chief thereof, into platoons of three shifts. The members of each shift shall not be required to work or be on duty more than eight (8) hours of each consecutive twenty-four hours, except in the event of a conflagration or other similar emergency when such members or any of them may be required to serve so long as the necessity therefor exists. Each shift shall be changed once every two weeks. (Each member shall be entitled to at least one (1) day off duty out of each eight-day period of service without loss of compensation.) No member of a paid Fire Department of a city of the first or second class shall engage in any occupation of any other kind whatsoever. Members of paid Fire Departments of cities of the first class shall each receive a minimum salary of Eighteen Hundred Dollars (\$1,800.00) per annum, payable in equal monthly installments. Members of paid Fire Departments of cities of the second class shall suffer no reduction in salary on account of the operation

Fire Department to be divided into three shifts.

8-hour day.

Exception for emergencies.

At least one day off duty allowed.

Not to engage in other employment.

Minimum salary.

Effect on second class cities.

of this Act, provided that this Act shall not be operative as to cities of the second class unless the City Council, City Commission or other governmental body thereof shall by ordinance adopt same."

Penalty for violation.

Section 2. Violation of this Act shall be deemed a misdemeanor: **Penalty.** Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than One Hundred (\$100.00) Dollars, or more than Six Hundred Dollars (\$600.00), or by imprisonment in the county jail for not less than thirty (30) days or more than seven (7) months, or by both such fine and imprisonment.

Saving clause.

Section 3. If any provision, clause or phrase of this Act be adjudged unconstitutional or invalid by any court of competent jurisdiction, for any reason, such adjudication shall not affect the validity of the Act as a whole, or of any section or provision thereof which is not specifically so adjudged unconstitutional or invalid.

Repealing clause.

Section 4. That all Acts or parts of Acts in conflict herewith are hereby repealed.

Approved February 23, 1935.

CHAPTER 50

An Act to Amend Section 145 of the Revised Codes of Montana of 1921, Relating to the Fees of the Secretary of State, and to Repeal Section 146 of the Revised Codes of Montana of 1921, Also Relating to the Fees of the Secretary of State.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 145 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Fees of Secretary of State.

"Section 145. **Fees of Secretary of State.** The Secretary of State, for services performed in his office, must charge and collect the following fees:

1. For each copy of any law, resolution or record or other document or paper on file in his office, Twenty Cents per folio.

Copies of laws and etc.

2. For affixing certificate and seal, One Dollar.

Affixing seal.

3. For issuing each certificate of incorporation and each certificate of increase of capital stock, Three Dollars.

Issuing certificate of incorporation, etc.

4. For recording and filing each certificate of incorporation and each certificate of increase of capital stock, the following amounts shall be charged:

Recording and filing of certificates of incorporation and certificates of increase of capital stock.

Amounts up to One Hundred Thousand Dollars, One Dollar per Thousand Dollars.

Additional from One Hundred Thousand Dollars to Two Hundred and Fifty Thousand Dollars, Eighty Cents per Thousand Dollars.

Additional from Two Hundred and Fifty Thousand Dollars to Five Hundred Thousand Dollars, Sixty Cents per Thousand Dollars.

Additional from Five Hundred Thousand Dollars to One Million Dollars, Forty Cents per Thousand Dollars.

Additional over One Million Dollars, Twenty Cents per Thousand Dollars.

Providing, that no fee for filing any articles of incorporation or increase of capital stock shall be less than Fifty Dollars except those enumerated in the next subdivision, which do not have capital stock and are not organized for the purpose of profit.

Minimum fee.

5. For all services in connection with the issuance of certificate, filing and recording of each of the following, whether foreign or domestic, Twenty Dollars; religious societies, churches, organizations for religious purposes, hospitals, lyceums, musical and scientific societies, libraries, benevolent and fraternal societies, social clubs, agricultural societies, stock growers' associations, grazing associations and other associations of like character, including local, independent and subordinate organizations, as well as state, supervisory, governing and grand organizations, and bodies of any such associations, socie-

Fees for all services of non-profit organizations.

ties or orders, or for the purpose of establishing public or private charities, or both. Provided, however, that the above enumerated organizations do not have capital stock and are not organized for the purpose of profit.

Issuing certificate of decrease of capital stock.

6. For issuing each certificate of decrease of capital stock, Ten Dollars.

Recording and filing of.

7. For recording and filing each certificate of decrease of capital stock, Five Dollars.

Issuing certificate of continuance of corporate existence.

8. For issuing each certificate of continuance of corporate existence, Ten Dollars.

Recording and filing of.

9. For recording and filing each certificate of continuance of corporate existence, the following amounts shall be charged:

Amounts up to One Hundred Thousand Dollars, Fifty Cents per Thousand Dollars.

Additional from One Hundred Thousand Dollars to Two Hundred and Fifty Thousand Dollars, Forty Cents per Thousand Dollars.

Additional from Two Hundred and Fifty Thousand Dollars to Five Hundred Thousand Dollars, Thirty Cents per Thousand Dollars.

Additional from Five Hundred Thousand Dollars to One Million Dollars, Twenty Cents per Thousand Dollars.

Additional over One Million Dollars, Ten Cents per Thousand Dollars.

Removal of place of business—change of name—assessing capital stock.

10. For recording and filing each notice of removal of place of business, each certificate of change of name, or each certificate making capital stock assessable, Five Dollars.

Appointment of agent.

11. For filing each notice of appointment of agent, Five Dollars.

Statement of foreign corporation.

12. For filing each annual or semi-annual statement of any foreign corporation, Five Dollars.

Recording official bond.

13. For receiving and recording each official bond, Five Dollars.

14. For each commission or other document, signed by the Governor, and attested by the Secretary of State (pardon and military commissions excepted), Five Dollars.

Commissions,
etc.

15. For searching the records and archives of the state, One Dollar.

Searching
records.

16. For filing each trade mark, Five Dollars; and for issuing each certificate of record, One Dollar.

Trade marks,
certificates
of record.

17. For recording miscellaneous papers, records, or other documents, for filing, One Dollar; for recording, Twenty Cents per folio.

Miscellaneous.

18. For filing any other paper not otherwise herein provided for, One Dollar for filing and Twenty Cents per folio for recording. When a copy of any law, resolution or record or other document or paper on file in the office of the Secretary of State is presented for comparison and certification, Five Cents per folio must be charged and collected for proof-reading the same. That no member of the Legislative Assembly, or state or county officer, can be charged for any search relative to matters appertaining to the duties of his office; nor must he be charged any fee for a certified copy of any law or resolution passed by the Legislative Assembly relative to his official duties. Fees must be collected in advance, and when collected by the Secretary of State, must be paid to the State Treasurer at the end of each quarter, as provided in the constitution."

Proof-
reading
charge.

Members of
Legislature
not to be
charged.

Fees payable
in advance.

Section 2. That Section 146, of the Revised Codes of Montana of 1921, be, and the same is hereby repealed.

Repealing
clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1935.

CHAPTER 51

An Act Relating to Actions Quieting Title to Personal Property; Providing Where Such Actions May be Brought; and Providing for the Procedure Which Shall be Made Applicable Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Quieting title
to personal
property.

Section 1. That any person claiming title to personal property, whether in actual possession thereof or not, may bring an action in the district court of any county wherein such personal property, or any part thereof is situated, against any person or persons claiming any interest therein by reason of alleged ownership, lien or otherwise; and by a decree of such court may have established and determined finally the rights of all claimants to such personal property.

Sections
9105-9124
R. C. M. 1921
govern.

Section 2. The provisions of Section 9105 to 9124, inclusive, Revised Codes of Montana, 1921, and amendments thereto, are hereby made applicable to the action for which provision is herein made.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1935.

CHAPTER 52

An Act to Amend Section 1 of Chapter 30 of the Laws of the Twentieth Legislative Assembly of the State of Montana, Providing for the Appointment, Qualification, and Term of Office of County Fair Commissioners, and Defining Their Powers and Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1 of Chapter 30 of the laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

County Fair
Commission.

“Section 1. The Board of County Commissioners of each county of Montana may, at their regular meeting in December in 1927, appoint from the electors of their respective counties, five responsible persons to constitute a County Fair Commission, three of said members to be appointed for a term of two years, and two for a term of one year, and until their successors are appointed. At the regular meeting in December in each year thereafter,

How
appointed.

Term.

the said Board of County Commissioners of each county shall appoint members of the said County Fair Commission to succeed the members whose terms then expire, such appointments to be for a term of two years. Such persons shall be well qualified to perform the duties of organizing and successfully carrying on the County Fair."

Qualification.

Section 2. Said County Fair Commissioners shall have control and operation of the fair and the supervision and management of the fair grounds and also the leasing of buildings and fair grounds and shall return to the fair fund of the county all revenue obtained from the leasing or renting of the same.

Powers of Commission.

In case there is in any county a Fair Association, Horticultural or Agricultural Society, the Board of County Commissioners may appoint said Fair Commission from the members of said Fair Association, Horticultural or Agricultural Society, giving preference in said appointment to the officers of the said association or societies.

Preference to officers of Agricultural Societies.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1935.

CHAPTER 53

An Act to Amend Section 12079, Revised Codes of Montana, 1921, Relating to Persons Not Entitled to Probation of Sentence, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 12079, Revised Codes of Montana, 1921, be amended to read as follows:

Amending clause.

"Section 12079. **Persons Not Entitled to Probation.** No person convicted of murder, arson, burglary of an inhabited dwelling house, incest, sodomy, rape without

Person not entitled to probation.

consent, assault with intent to rape or administering poison shall have the benefit of probation; provided, however, that in convictions of rape where the female is under the age of eighteen years, but over sixteen years of age, where previous unchaste conduct of the female is shown, the court may, in its discretion, suspend sentence as provided in Section 12078."

Proviso.

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be of full force and effect from and after its final passage and approval.

Approved February 23, 1935.

CHAPTER 54

An Act to Amend Section 12000 of the Revised Codes of the State of Montana, of 1921, Relating to Procedure in Cases Where a Juror or the Judge is Unable to Perform His Duties by Reason of Sickness.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 12000 of the Revised Codes of the State of Montana, of 1921, relating to procedure in cases where a juror is unable to perform his duties, by reason of sickness, be, and the same is hereby, amended to read as follows:

Procedure
where juror
or judge is
unable to
perform his
duties.

"Section 12000. **Jurors Becoming Unable to Perform Duties.** If, before the conclusion of the trial, a juror becomes sick, so as to be unable to perform his duty, the court may order him to be discharged. In that case, or if the juror should die, if any alternate jurors have been selected, one of them shall be drawn by the clerk to take the place of that juror. If, after all alternate jurors have been made regular jurors, a juror becomes so sick as to be unable to perform his duties and has been discharged by the court, or if a juror should die, a new juror may be sworn and the trial begin anew, or the jury may be discharged and a new jury then or afterwards impaneled. If the judge become sick, he may discharge the jury."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 27, 1935.

CHAPTER 55

An Act to Fix the Minimum Wage to be Paid Members of the Police Department of Cities of the First Class of the State of Montana, and Those Other Cities and Towns Which Have Now Elected, or Shall Hereafter Elect to Come Under the Provisions of Chapter 120 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That from and after the passage and approval of this Act there shall be paid to each member of the Police Department of cities of the first class of the State of Montana, a minimum wage, for a daily service of eight consecutive hours' work, of at least One Hundred Sixty (\$160.00) Dollars per month for the first year of service, and thereafter of at least One Hundred Sixty (\$160.00) Dollars per month plus One (\$1.00) Dollar per month for each additional year of service up to and including the tenth year of such additional service; provided, however, that members of the Police Department of said cities of the first class, and of those cities and towns that have heretofore elected to come under the provisions of Chapter 120 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana, at the time of the passage and approval of this Act, shall thereafter be paid a monthly minimum wage of at least One Hundred Sixty (\$160.00) Dollars, plus One (\$1.00) Dollar per month for each year of active service after the first year, theretofore rendered by them, not exceeding ten (10) years of such service, after the first year.

Minimum
wage for
policemen.

Wage where
city has
elected to
come under
Chapter 120
of the Laws
of 1929.

Section 2. That this Act shall apply to and include all cities and towns not of the first class, which have heretofore elected, or may hereafter elect to come under the provisions of Chapter 120 of the Session Laws of the

When
applicable
to cities not
of the first
class.

Twenty-first Legislative Assembly of the State of Montana.

Repealing
clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force from and after its passage and approval.

Approved February 27, 1935.

CHAPTER 56

An Act to Amend Section 2038, Revised Codes of Montana, 1921, as Amended by Chapter 43 of the Laws of the Nineteenth Legislative Assembly of the State of Montana, 1925, Relating to Traveling Expenses of Assessors and Their Deputies.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2038, Revised Codes of Montana, 1921, as amended by Chapter 43 of the Laws of the Nineteenth Legislative Assembly of the State of Montana, 1925, be, and the same is hereby amended to read as follows:

Traveling
expenses al-
lowable to
Assessor
and deputies.

“Section 2038. The Assessor and his deputies in each county in this state shall be paid the actual and necessary traveling expenses by them incurred, not to exceed Fifty Dollars each, in any one month, during the months of March, April, May and June of each year, while in the performance of official duty, upon presenting and filing a verified claim thereof, supported by vouchers, for each item of expense, to the Board of County Commissioners of their respective county; provided, that in counties in which the County Assessor has no deputy or deputies, that he shall be paid the actual and necessary traveling expenses by him incurred, not to exceed One Hundred Dollars, in any one month, during the months of March, April, May and June of each year while in the performance of official duty, upon presenting and filing a verified claim therefor, supported by vouchers, for each item of expense, to the Board of County Commissioners of his county.”

Expenses
allowed where
Assessor has
no deputies.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1935.

CHAPTER 57

An Act to Amend Sections 309 and 437 of the Revised Codes of Montana, 1921, Relating to the Salary of the State Accountant.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 309 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows: Amending clause.

“Section 309. **Salary, Oath and Bond.** The salary of said Accountant shall be Four Thousand Dollars (\$4,000) per annum and upon entering upon the discharge of the duties of such position he shall take the constitutional oath of office and file a bond in such sum as shall be fixed by the State Board of Examiners, to be approved by said Board.” Salary and bond of State Accountant.

Section 2. That Section 437 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows: Amending clause.

“Section 437. **Salaries of Board of Examiners and Consolidated Boards.** The annual compensation allowed to the following named state officer and clerks at the State Capitol is as follows: Salary of clerk of boards.

Clerk, Three Thousand Dollars (\$3,000.00).

State Accountant, Four Thousand Dollars (\$4,000.00).

Consolidated Boards

(Board of Prison Commissioners, Insane Commissioners, Pardon and Equalization.)

Clerk, Three Thousand Dollars (\$3,000.00).”

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 27, 1935.

CHAPTER 58

An Act to Amend Section 2866 of the Revised Codes of Montana, 1921, as Amended by Section 5 of Chapter 121 of the Nineteenth Legislative Assembly of 1925, Relating to the Workmen's Compensation Law, Defining "Major Dependent" and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2866 of the Revised Codes of Montana, 1921, as amended by Section 5 of Chapter 121 of the Nineteenth Legislative Assembly of 1925, be, and the same is hereby amended to read as follows:

"Major
Dependent"
defined.

"Section 2866. 'Major Dependent' means if there be no beneficiary as defined in the preceding section, the father or mother, or the survivor of them, if actually dependent upon the decedent at the time of his injury, then to the extent of such dependency, not to exceed, however, the maximum compensation provided for in this Act."

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force from and after the date of its passage and approval.

Approved February 27, 1935.

CHAPTER 59

An Act Providing for Reversion to the Montana Soldiers' Home of Money Left by Deceased Members.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any money left on deposit with the Montana Soldiers' Home by a deceased member shall, if not claimed by his heirs in ten years, revert to the Montana Soldiers' Home to be placed in a welfare fund to be expended under the direction of the Board of Managers.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1935.

CHAPTER 60

An Act to Amend Section 5003 of the Revised Codes of Montana, 1921, Relating to the Election and Term of Office of All Elective Municipal Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5003 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Amending
clause.

"Section 5003. On the first Monday of April of every second year a municipal election must be held, at which the qualified electors of each town or city must elect a mayor and two aldermen from each ward, to be voted for by the wards they respectively represent; the mayor to hold office for a term of two (2) years, and until the qualification of his successor; and each alderman so elected to hold office for a term of two (2) years, and until the qualification of his successor; and also in cities of the first, second and third class, a police judge and a city treasurer, who shall hold office for a term of two (2) years, and until the qualification of their successors; provided, however, that in all cities and towns when the term of office of the incumbent mayor, alderman, police judge or city treasurer will not expire until the first Monday in May, 1936, a special election must be held on the first Monday in April, 1936, at which election a successor to such mayor, alderman, police judge or city treasurer shall be elected for a term of one (1) year, and thereafter no election shall be held for the election of city officers, except every second year."

Election and
term of office
of municipal
officers.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 27, 1935.

CHAPTER 61

An Act Relating to the Tenure of Leases of State Lands for Grazing Purposes, Heretofore Issued by Virtue of the Provisions of Chapter 42 of the Laws of 1933; Providing for the Extension Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Provision for
extending
leases on
state lands.

Section 1. That all leases of state lands for grazing purposes issued by the State Board of Land Commissioners for a period of two years or less, terminating on the 28th day of February, 1935, pursuant to the provisions of Chapter 42 of the Laws of the Twenty-third Legislative Assembly in regular session, shall, at the option of lessees in good standing, be extended for an additional period of three years from and after February 28, 1935, so as to give to such lessees the same privileges, benefits, and advantages as are under authority of law conferred upon persons holding leases of such lands for a five-year period.

Notice of
right to ex-
tension to be
given by
Registrar of
State Lands.

Section 2. The Registrar of State Lands shall be required to give notice by registered mail to every lessee of state lands whose lease was executed for a period of two years or less, which will expire on February 28, 1935, which notice shall be deposited in the mail, addressed to the last known address of the lessee, advising the lessee of his right under the law to a preference right to have the lease of the state lands by him so held extended to him for a period of three additional years so as to place him on a basis of equality with those holding similar leases of state land for a five-year period.

Good standing
necessary.

Section 3. Only lessees of such state lands who are now in good standing shall be entitled to the benefits of this Act.

Repealing
clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 28, 1935.

CHAPTER 62

An Act to Amend Section 182 of the Revised Codes of the State of Montana, 1921, as Amended by Chapter 180 of the Session Laws of the Twenty-first Legislative Assembly, 1929, Relating to the Depositing of Funds in the Hands of the State Treasurer; and Providing for the Security to be Delivered by the Banks Designated as Depositories by the State Depository Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 182 of the Revised Codes of the State of Montana, as amended by Chapter 180 of the Session Laws of the Twenty-first Legislative Assembly, 1929, is hereby amended to read as follows:

Amending
clause.

“Section 182. **State Depository Board—Funds in the Hands of the State Treasurer.** It shall be the duty of the State Treasurer to deposit public moneys in his possession and under his control in solvent banks located in the State of Montana, except as otherwise provided by law, subject to national supervision or state examination, as designated by the State Depository Board, and no other. The State Depository Board may require the payment of quarter annual interest on daily balances of collected funds at a rate to be agreed upon between the depository banks and said State Depository Board, which rate shall be fixed semi-annually: the first rate fixing date to be not later than thirty (30) days after the final passage and approval of this Act; thereafter, the interest rate shall be fixed semi-annually during the months of July and January of each year. No deposits in excess of the amount guaranteed or insured according to law shall be made of state funds by said Depository Board, or by the State Treasurer under the direction of said board, unless such bank shall first have delivered to the State Treasurer or trustee with some solvent bank as hereinafter provided, as security therefor, cashier’s check or checks issued by the Federal Reserve Bank, bonds of the United States Government and its dependents, bonds guaranteed by the United States Government or its dependents, bonds of the Federal Land Banks, bonds and warrants of the State of Montana, bonds and warrants

Duty of
Treasurer to
deposit public
money in
solvent banks.

Rate of
interest to
be fixed
semi-annually.

Requisite
of security
for deposits.

Security to
be approved
by Depository
Board.

Negotiable
securities,
how treated.

No deposits
to be made
until provi-
sions of Act
are complied
with.

Interest
credited to
general fund.

Treasurer
not liable
when.

Treasurer
to act on
advice of
board.

Treasurer
may draw to
pay legal
obligations
of state.

of any county of the State of Montana, and bonds of any city, town, or school district of the State of Montana, which are a general obligation of such county, city, town or school district, or bonds of some good solvent surety company authorized to do business in the State of Montana, in at least the amount of such deposits in excess of the amount guaranteed or insured according to law, which bonds or security shall be first approved by the State Depository Board; provided, that the State Depository Board may require security in a greater amount than that above named; provided, that when negotiable securities are furnished, such securities may be placed in trust and the trustees' receipt may be accepted in lieu of the actual securities when such receipt is in favor of the State Treasurer, his successors in office, and the State of Montana, and the form of receipt and the trustees have been approved by the State Examiner. No deposit of said funds shall be made or permitted to remain in any bank unless such bank shall have first been designated as a depository by said Depository Board, nor until the security for the deposit in excess of the amount of such deposit guaranteed or insured according to law shall have first been deposited with the State Treasurer, or placed with a trustee, as herein provided, and has been approved by the State Depository Board. All interest paid and collected on deposits shall be by the State Treasurer credited to the general fund of the state. The State Depository Board shall have the power of directing the withdrawal by the State Treasurer of all moneys from any bank for any reason. When moneys shall have been deposited, under the direction of said Depository Board and in accordance with the law, the treasurer shall not be liable for loss on account of any such deposit occurring through damage by the elements, or for any other cause or reason occasioned through means other than his own neglect, fraud, or dishonorable conduct. It shall be the duty of the State Treasurer to deposit funds in such banks, and in such amounts as may be designated by the State Depository Board, and to withdraw such deposits when instructed so to do by the said board. But said State Treasurer shall have the authority, either with or without the direction of said State Depository Board, to withdraw all of such deposits, or any part thereof, from time to time, to pay and dis-

charge the legal obligations of the state, duly presented to him in accordance with the law, except as above. Nothing herein shall be construed as limiting or impairing the right of the State Board of Land Commissioners to invest public moneys in bonds or other securities as otherwise provided by law.” Proviso.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 63

An Act Relating to Irrigation Districts; Empowering Boards of Commissioners of Such Districts to Supervise, Regulate and Control the Apportionment and Distribution of Water Through the Distribution System of Such Districts; Providing for the Installation of Lock Boxes, Head Gates or Other Devices for the Distribution of Water Through Laterals at the Expense of the Lands Served Thereby; Prohibiting Interference with the Control of Water by Boards of Commissioners; Defining Certain Terms Used in This Act; Providing Penalties for the Violation of This Act and Repealing Chapter 119 of the Acts of the Twenty-third Legislative Assembly of Montana of 1933, and All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The words “Distribution System” as used in this Act, shall denote the entire works and property of all irrigation districts, including main ditches and canals, laterals, by-laterals, head gates, flumes, spillways, boxes and all other appliances and means by which the waters of any irrigation district are or shall be apportioned or distributed for use. “Distribution System” defined.

Section 2. In addition to all other powers granted them by the laws of Montana, Boards of Commissioners General control over water.

Exception. of all irrigation districts now or hereafter organized under any law of this state, shall have the power and authority to regulate, supervise, apportion and control the furnishing and delivery of water through the distribution system of the district; provided, that such authority to regulate, supervise, apportion and control shall not apply to users who have water rights or ditch rights, established, acquired by court decree, use, appropriation or otherwise, at the time or prior to the organization of such district, without regard to whether said distribution system, or any portion thereof belongs to the district or to the owner of lands served by said district.

Right to enter on land granted. Section 3. In carrying out the authority granted them by this Act, it shall be lawful for Boards of Commissioners of irrigation districts to enter upon the lands of any user of water supplied by said district, for the purpose of installing, adjusting or regulating head gates, lock boxes or other devices for regulating the flow of water or apportioning the equitable distribution thereof.

Penalty for violations of this Act. Section 4. Any person who shall in any manner interfere with the Commissioners of an irrigation district, or their lawful agent or employee in the carrying out of the powers conferred by this Act, or who shall change or tamper with any lock box, head gate or other device for the apportionment or distribution of water, installed by or under the authority of such Commissioners, or who shall in any manner obstruct or change the flow of water in the distribution system of any irrigation district without authority of the Commissioners of the district, shall in the discretion of the Commissioners, be subject to a forfeiture of his right to the delivery of water through the distribution system of the district, so long as such acts shall continue, and shall likewise be guilty of a misdemeanor and, on conviction, shall be punishable by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for not less than one (1) day nor more than thirty (30) days or by both such fine and imprisonment.

Forfeiture of right to water.

Misdemeanor.

Section 5. Whenever, in the judgment of the Commissioners of any irrigation district, it is necessary for the proper measurement, distribution or apportionment

of the water of the district, to install lock boxes, head gates or other devices for the distribution of water at the point where any lateral is taken out of a main ditch or canal, or at a point where any sub-lateral is taken out of a lateral for further division or distribution of water, they shall have the authority to procure and install the same and to assess the cost thereof against the lands affected thereby.

When devices for the distribution of water may be installed.

Section 6. Chapter 119 of the Acts of the Twenty-third Legislative Assembly of Montana of 1933, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 7. This Act shall take effect and be in full force upon its passage and approval.

Approved March 2, 1935.

CHAPTER 64

An Act to Authorize the State Depository Board to Permit the State Treasurer to Invest Surplus Cash in His Office in Registered Warrants of the State of Montana; and Prescribing for the Keeping of a Record and Register of Registered Warrants so Purchased; Providing That the Interest Earned Thereon be Credited to the General Fund of the State, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Depository Board may in its discretion, by a resolution duly adopted and entered upon the minutes of said board, authorize and direct the State Treasurer to invest any surplus cash in his office, in an amount of not more than twenty-five per cent (25%) of the total cash balance on hand at the close of the preceding month, in registered warrants of the State of Montana. All warrants so purchased shall be entered in an investment register which shall be a solid bound book with numbered pages, and shall show the number of the warrant, the fund on which drawn, the date of registration, the date purchased, the date redeemed or sold, the

Depository Board may direct investment of cash in state warrants.

Register of warrants.

Treasurer
to file list
of warrants.

Disposal of
interest.

Repealing
clause.

face amount of the warrant, the amount of interest accrued at the time of sale or redemption and the total amount of such warrant and interest. At the time of the purchase, sale or redemption of any warrant or warrants under the provisions of this Act, the Treasurer shall file with the Depository Board and also with the State Examiner, a detailed list of the warrants so purchased, sold or redeemed, together with the interest thereon, and all interest received as a result of such investment, shall be credited to the general fund of the State of Montana.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 65

An Act Creating a Fund to be Known as the Volunteer Firemen's Compensation Fund; Declaring Such Fund to be a Trust Fund and Providing for Disposition of Interest Thereon; Providing for the Payment From Said Fund of Compensation for Disabilities Received by Members of Regularly Organized Fire Companies in Unincorporated Towns, Villages and Cities; Providing the Amount of Compensation Payable; Providing for the Filing of Claims for Disability; Providing the Administration of Such Fund by the Industrial Accident Board of the State of Montana; Amending Section 6112 Revised Codes of Montana, 1921, to Provide for Transfer of Unused Funds of State Fire Marshal Fund Into Volunteer Firemen's Compensation Fund; Providing Penalties for Filing of False Claims; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Title of Act.

Section 1. This Act shall be known and may be cited as the Volunteer Firemen's Compensation Act.

Section 2. There shall be and hereby is created a fund to be known as the Volunteer Firemen's Compensation Fund.

Fund.

Section 3. Every member of a fire company organized in an unincorporated town or village under the laws of this state, shall be entitled to receive compensation for disability incurred while in the performance of his duties as such fireman, when such disability necessitates the services of a physician or surgeon, while confined or non-confined, in the following amounts:

Fireman's compensation for disability.

A. If confined to a hospital, the actual cost of hospitalization, and the reasonable charges of a duly licensed physician or surgeon, not to exceed Two Hundred Fifty Dollars (\$250.00).

When confined to hospital.

B. If not confined to a hospital, the actual reasonable charges of a duly licensed physician or surgeon, not to exceed Seventy-five Dollars (\$75.00).

When not confined to a hospital.

C. If confined to his home, and such confinement necessitates the services of a nurse, then the actual charges of such nurse, together with the actual reasonable charges of attending physician or surgeon, not to exceed One Hundred Seventy-five Dollars (\$175.00).

When services of a nurse are required.

Section 4. In order to qualify for the compensation herein provided, the fireman must be an enrolled active member of a fire company organized under the laws of the State of Montana in an unincorporated town or village, at the time of such injury or sickness for which compensation hereunder is claimed.

Qualification for compensation.

Section 5. A fireman claiming compensation hereunder must file his claim with the Industrial Accident Board upon a form to be provided therefor, which claim shall contain the name and address of the claimant, date, place and manner of incurring of disability, name and address of attending physician or surgeon and/or nurse, if any, dates of confinement, if confined, or if not confined, dates of attendance by physician or surgeon, dates of attendance by nurse; affidavit of attending physician or surgeon as to nature of disability, number and dates of attendance and statement of charges; if confined to hospital, an affidavit of person in charge stating nature

Claim filed where.

What claim shall state.

of disability, dates of confinement and expenses incurred while so confined; affidavit of chief or secretary of fire company stating that said fire company was duly organized under the laws of Montana in an unincorporated town or village, statement that claimant was, at the date of disability an active enrolled member of such company, and that the disability was incurred in line of duty; an affidavit of the nurse stating the nature of disability, dates of attendance, and statement of charges for services; said claim shall be verified by the claimant, the attending physician or surgeon and nurse, if any, and by the person in charge of the hospital, if confined; said claim shall be filed with the board within one year from date of disability.

Claim to be verified.

Time limitation for filing claim.

Section 6. Upon receipt of a claim by the Industrial Accident Board, if the same is found to be in compliance with the provisions of Section 5 of this Act, the board must order the allowance thereof, and pay the same by warrants drawn upon the Volunteer Firemen's Fund to the order of the attending physician or surgeon, attending nurse, and hospital.

Payment of claim.

Industrial Accident Board to administer.

Section 7. The Industrial Accident Board of the State of Montana shall administer this Act, and all payments made hereunder shall be made from the Volunteer Firemen's Compensation Fund, by warrants drawn by the board upon such fund.

Board to make rules and regulations.

Section 8. The Industrial Accident Board shall make such rules and regulations as it deems necessary and advisable in the administration of this Act not inconsistent with the provisions hereof. Necessary expenses for office supplies, stationery and forms shall be a charge against the fund.

Earnings to be part of fund.

Section 9. All earnings made by the Volunteer Firemen's Compensation Fund by reason of interest paid for the deposit thereof, or otherwise, shall be credited to and become a part of said fund.

Report to Governor by board.

Section 10. The Industrial Accident Board shall, at the time specified in Section 2968 of the Revised Codes, 1921, for making report therein provided, make a report to the Governor covering the operations and proceedings for the preceding fiscal year relative to its ad-

ministration under this Act, with such suggestions or recommendations as it may deem of value for public information.

Section 11. The State Auditor and Ex-officio Commissioner of Insurance of the State of Montana shall annually cause to be deposited in the "Volunteer Firemen's Compensation Fund", herein created, such sum as shall be equivalent to 5 per cent of premium taxes collected from fire insurance companies pursuant to Section 6112, Revised Codes of Montana, 1921, as shall remain after the amounts provided for by Section 5127, Revised Codes of Montana, 1921, as amended by Chapter 127, Laws of Montana, 1933, shall have been first deducted.

Premium tax on fire insurance companies to be paid to fund.

Section 12. Any person required to make a statement or affidavit hereunder, who shall wilfully falsify such statement or affidavit, and any person who shall file a false claim hereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not exceeding Five Hundred (\$500.00) Dollars, or to undergo imprisonment not exceeding six months, or both such fine and imprisonment.

Penalties for violations.

Section 13. If any portion of this Act shall be declared unconstitutional it shall not affect any other portion or part thereof.

Saving clause.

Section 14. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 15. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 66

An Act to Amend Section 10145, Revised Codes of Montana, 1921, Providing That All Property Exempt From Execution, Including the Homestead to be Set Apart for Use of Family.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10145 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Amending clause.

Property to
be set aside
for family.

When court
shall select
a homestead.

Who are
entitled to
benefits.

Repealing
clause.

“Section 10145. **All Property Exempt From Execution to be Set Apart for Use of Family.** Upon the return of the inventory, or any subsequent time during the administration, the court or judge may, on its own motion, or on petition therefor, set apart for the use of the surviving husband or wife, or, in case of his or her death, to the minor children of the decedent, all the property exempt from execution, including the homestead selected, designated and recorded; if no homestead has been selected, designated and recorded, the court or judge must select, designate and set apart, and cause to be recorded, a homestead for the use of the surviving husband or wife and the minor children; or if there be no surviving husband or wife, then for the use of the minor children, in the manner provided for in Sections 10151 to 10157 of this code, out of the real estate belonging to the decedent. It shall be sufficient to entitle any person to receive the benefits of this section, under any court order hereafter made, if such person was a bona fide resident of the State of Montana, at the time of the death of decedent.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 67

An Act to Amend Section 1, Section 2, Section 3, Section 5, Section 6, Section 7, and Section 10 of Chapter 153 of the Laws of Montana of 1931, Relating to the Regulation and Licensing the Sale of Commercial Fertilizer, and Providing for the Inspection of Fertilizer Materials, and Fixing Penalties for the Violation of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1 of Chapter 153 of the Laws of Montana of 1931, be, and the same is hereby, amended to read as follows:

“Section 1. The term ‘Commercial Fertilizer’ shall be held to include any and every substance imported, manufactured, prepared or sold for fertilizing, manurial, soil enriching or soil corrective purposes, the retail price of which is Ten Dollars (\$10.00), or more per ton; provided, however, that this Act shall not apply to any stocks that may be in the hands of dealers in the State of Montana at the time this Act goes into effect, nor shall it apply to animal manure which has not been artificially treated, or to materials sold to each other by manufacturers or importers.”

“Commercial Fertilizer” includes what.

Section 2. That Section 2 of Chapter 153 of the Laws of Montana of 1931, be, and the same is hereby, amended to read as follows:

Amending clause.

“Section 2. Each lot or parcel of mixed commercial fertilizer sold, offered or exposed for sale, or distributed within this state shall have on each package or container, in a conspicuous place on the outside, a legible or plainly printed statement in the English language, clearly and truly certifying:

Statement required on mixed fertilizer.

(a) Weight. The net weight of the contents of the package, lot or parcel.

What statement shall show.

(b). Name. The name, brand, or trade mark.

(c) Manufacturer. The name and principal address of the manufacturer or person responsible for placing the commodity on the market.

(d) Nitrogen. The minimum percentage and source of nitrogen in available form.

(e) Potash. The minimum percentage and source of potash K_2O , soluble in distilled water.

(f) Phosphoric Acid. The minimum percentage and source of available phosphoric acid P_2O_5 .

No other statement of chemical compounds, except as above, shall be placed on any such container.”

Section 3. That Section 3 of Chapter 153 of the Laws of Montana of 1931, be, and the same is hereby, amended to read as follows:

Amending clause.

“Section 3. All bags or containers of unmixed materials, such as nitrate of soda, sulphate of ammonia, sul-

Statement required on unmixed fertilizer.

What
statement
shall show.

phates and muriates of potash, limestone, gypsum or other fertilizer or soil correcting substances shall have stamped thereon a plain statement in the English language, of the name of said material; the guaranteed per cent, of the element or elements contained which give such commodity its value as a fertilizer; the net weight of the contents of the package, lot or parcel; the name, brand or trade mark, and the name and principal address of the manufacturer or person responsible for placing the commodity on the market. No acid phosphate shall be sold or offered for sale in the State of Montana which shall contain less than sixteen per centum (16%) total available P_2O_5 .

Amending
clause.

Section 4. That Section 5 of Chapter 153 of the Laws of Montana of 1931, be, and the same is hereby, amended to read as follows:

Brands of
fertilizer to
be registered
with Commis-
sioner of
Agriculture.

"Section 5. Before any commercial fertilizer is sold or offered for sale within the State of Montana, the manufacturer, importer or party who causes it to be sold, or offered for sale, shall separately register with the Commissioner of Agriculture of the State of Montana, each and every brand, and also each different mixed or unmixed commercial fertilizer which he offers for sale under the same brand, and shall pay annually to said Commissioner, before offering such product for sale, a license fee of Twenty-five Dollars (\$25.00), for each and every brand of commercial fertilizer so registered and offered for sale in this state, and shall at the same time file with said Commissioner a certified copy of the statement and certificate referred to in Sections 2 and 3 of this Act, and shall also deposit with said Commissioner a sealed glass jar containing not less than two (2) pounds of such fertilizer, with an affidavit that it is a fair sample of the article thus to be sold, or offered for sale. The said Commissioner of Agriculture may refuse to register materials whose value in improving soil conditions cannot be established by experimental evidence."

License fee.

Sample to
be deposited.

When Com-
missioner
may refuse
to register.

Amending
clause.

Section 5. That Section 6 of Chapter 153 of the Laws of Montana of 1931, be, and the same is hereby, amended to read as follows:

"Section 6. The chemist of the Montana Agricultural Experiment Station shall at least once each year obtain at least one (1) sample of each brand of commercial fertilizer offered for sale in this state, to make proper analyses and tests to determine (1) the net weight of the contents of each package examined; (2) the percentage of nitrogen in available form; (3) the percentage of potash K_2O , soluble in distilled water, and (4) the percentage of available phosphoric acid P_2O_5 , and to inspect labels on each parcel or container, and determine whether or not they conform to the provisions of this Act."

Test of samples to be made annually.

Section 6. That Section 7 of Chapter 153 of the Laws of Montana of 1931, be, and the same is hereby, amended to read as follows:

Amending clause.

"Section 7. All samples taken hereunder by the chemist of the Montana Agricultural Experiment Station, or his agent, must be composites of equal portions taken from at least five (5) original packages in such manner as to be truly representative of the contents of the package. Such samples shall be thoroughly mixed and immediately placed in containers which exclude air. Analyses of such samples shall be made in accordance with the methods of the Association of Official Agricultural Chemists."

Requisites of samples

Section 7. That Section 10 of Chapter 153 of the Laws of Montana of 1931, be, and the same is hereby, amended to read as follows:

Amending clause.

"Section 10. The chemist of the Montana Agricultural Experiment Station shall publish annually a bulletin containing a correct statement of all analyses made, and of certificates filed with the Commissioner of Agriculture, together with a statement of all moneys received for license fees and expended for all purposes. Any surplus of license fees remaining on hand at the close of the fiscal year shall be placed to the credit of the Montana Agricultural Experiment Station."

Bulletin of all analyses to be published.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 68

An Act to Amend Sections 9397 and 9398, Revised Codes of Montana, 1921, Relative to When New Trials May be Granted and on What Papers Motions Can be Made.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 9397, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Causes for
new trial.

“Section 9397. **When a New Trial May be Granted.** The former verdict or other decision may be vacated and a new trial granted, on the application of the party aggrieved, for any of the following causes, materially affecting the substantial rights of such party.

Irregularity.

1. Irregularity in the proceedings of the court, jury, or adverse party, or any order of the court, or abuse of discretion, by which either party was prevented from having a fair trial;

Misconduct
of jury.

2. Misconduct of the jury; and whenever any one or more of the jurors have been induced to assent to any general or special verdict, or to a finding on any question submitted to them by the court, by a resort to the determination of chance, such misconduct may be proved by the affidavit of any one of the jurors;

Accident or
surprise.

3. Accident or surprise, which ordinary prudence could not have guarded against;

Newly discov-
ered evidence.

4. Newly discovered evidence, material for the party making the application, which he could not, with reasonable diligence, have discovered and produced at the trial;

Excessive
damages.

5. Excessive damages, appearing to have been given under the influence of passion or prejudice;

Insufficiency
of evidence.

6. Insufficiency of the evidence to justify the verdict or other decision, or that it is against law;

Error in law.

7. Error in law, occurring at the trial and excepted to by the party making the application;

Right to bill
of exceptions
lost.

8. That the right to have a bill of exceptions has been lost, either through the death or incapacity of the court

reporter or in any manner that was not the fault of the losing party."

Section 2. That Section 9398, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Amending
clause.

"Section 9398. **New Trials—On What Papers Made.** Motions for new trials shall be made as follows: For causes mentioned in the first subdivision of the preceding section, the motion shall be made on affidavits or on the minutes of the court; for causes mentioned in the second, third, fourth or eighth subdivisions of said section, the motion shall be made only on affidavits; for causes mentioned in the fifth, sixth, or seventh subdivisions of said section, the motion shall be made only on the minutes of the court. The official stenographic reports of the trial may be referred to as a part of the minutes of the court."

Motion for
new trial,
how made.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 69

An Act to Amend Section 5771, Revised Codes of Montana, 1921, Relating to Support of Wife and Children on Divorce or Separation Granted to Wife, and Providing for Modification of the Judgment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5771, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Amending
clause.

"Section 5771. **Support of Wife and Children on Divorce or Separation Granted to Wife.** Where a divorce is granted for an offense of the husband, the court may compel him to provide for the maintenance of the chil-

When
alimony may
be granted.

Court may
modify
decrees.

Effect of
remarriage
of divorced
wife.

dren of the marriage and to make such suitable allowance to the wife for her support during her life, or for a shorter period, as the court may deem just, having regard to the circumstances of the parties respectively, and the court may, from time to time, modify its orders in these respects; provided, however, that upon proof of the remarriage of a divorced wife, after the final judgment in a divorce action, the court must order a modification of the judgment by annulling the provisions of the judgment directing the payment of money for the support of the wife."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 70

An Act to Amend Section 11005, Revised Codes of Montana, 1921, Relating to Lewd and Lascivious Acts Upon Children.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 11005, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Lascivious
acts upon
children
felony.

"Section 11005. Any person over the age of eighteen (18) years, who shall wilfully and lewdly commit any lewd or lascivious act, other than the acts constituting other crimes provided in Sections 11000 to 11007, Revised Codes of Montana, 1921, upon or with the body or any part or member thereof, of a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person, or of such child, shall be guilty of a felony, and shall be imprisoned in the State Prison not exceeding five (5) years."

Penalty.

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 71

An Act to Amend Section 571, of the Revised Codes of Montana, of 1921, Relating to Compensation of County Clerks for Furnishing Poll Books.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 571, of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 571. **Compensation of County Clerks.** The County Clerks shall receive, for the use and benefit of the county, from every city or town, or from every school district of the first class, (to which the poll books referred to in the last section have been furnished), the sum of Three (\$0.03) Cents for each and every name entered in such poll books, and in addition he shall receive in like manner the amount of the actual expense incurred in printing and posting the lists of electors, and in publishing the notices required by this law, and any other expense incurred on account of any such municipal or school district election. It shall be the duty of the City or Town Council, or Board of School Trustees, to order a warrant drawn for such sum as may be due to the County Clerk under the provisions of this section, within thirty (30) days after the presentation of the account to them by said County Clerk, provided, however, that in event of the election of candidates at municipal primary elections, as provided for in Chapter 13 of the Session Laws of 1933 of the State of Montana, and no general municipal election is required to be held, the County Clerk shall prepare no poll books for such general municipal election and shall make no charge therefor; provided further, that in elections of school districts of the first class if only as many candidates are nominated as there are vacancies to be filled, the County

Compensation
of County
Clerk for
poll book.

Payment.

When no
charge shall
be made.

Clerk shall furnish no poll books and make no charge therefor to such school district.

Duty to
notify when
poll book is
not required.

It shall be the duty of the City Clerk or the Clerk of the School District to notify the County Clerk in such case as above mentioned, where no poll books are required, immediately after the facts become known to the City Council or the Board of Trustees of the School District, which makes unnecessary the furnishing of such poll books."

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 2, 1935.

CHAPTER 72

An Act to Amend Section 5714, Revised Codes of Montana, 1921, Relating to Marriage License and Defining Refusal of Same; and Providing for Certificates of Health for Applicants; Its Contents, and Who Shall Execute Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 5714, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

When Clerk
may refuse
to issue mar-
riage license.

"Section 5714. **License—When Refused.** If, on such testimony being given, it shall appear that either of the parties is legally incompetent to enter into such a contract, or there is an impediment in the way, or if either party is a minor, and the consent mentioned in Section 5712 shall not be given, or if either party is under the influence of any intoxicating liquor, or narcotic drug, or if the certificates of health for applicants for license is not presented, the said Clerk of the District Court shall refuse to grant a license."

Certificate
of health
necessary.

Section 2. **Certificates of Health for Applicants for License.** No license to marry shall be issued by the Clerk of the District Court of any county to an applicant therefor except upon the presentation by the said ap-

plicant of health certificates for both parties, executed within not less than three nor more than seven days from the time of the presentation of said certificates to the Clerk of the District Court as hereinafter provided, showing the non-existence of any venereal disease as determined by Wasserman tests; the non-existence of tuberculosis in the infectious stages; and, or any other infectious or communicable or inherent disease; and, or any disease leading to congenital abnormalities in offspring; and that the applicant appears to be of sound mind.

What
certificate
shall show.

Section 3. Certificates Executed by What Physician. The certificates referred to in the preceding section shall be executed by a reputable physician licensed to practice medicine and surgery in the state and who shall reside within the county in which said license to marry shall be applied for; or by the county health officer of such county. In the event any physician shall fail to properly examine any applicant for such a certificate before affixing his or her signature thereto or shall falsify any statement thereon, he or she shall be guilty of a felony and shall be punishable by an immediate revocation of license to practice the medical and surgical profession in the State of Montana and no new license shall be issued. This penalty shall be inflicted only after such violator has been adjudged guilty of such violation by a court of competent jurisdiction.

Licensed
physician
to execute
certificate.

Penalty for
failure to
examine
or for false
statements.

Section 4. Period of Delay From Date of Application to Date of License Issuance. License to marry shall not be issued by the Clerk of the District Court until the third day following the receipt of application therefor accompanied by certificates of health as required in the provisions of this Act.

License to be
issued 3 days
after ap-
plication.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 2, 1935.

CHAPTER 73

An Act to Amend Section 1 of Chapter 71 of the Acts of the Eighteenth Legislative Assembly of the State of

Montana; Relating to the Collection of Taxes and Assessments Levied for Irrigation District and Drainage District Purposes and Requiring County Treasurers to Collect, Receive and Receipt for Such Irrigation District and Drainage District Taxes and Assessments at the Same Time and Upon the Same Receipt as Taxes Levied Upon Real Property for County Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1 of Chapter 71 of the Acts of the Eighteenth Legislative Assembly of Montana be amended so as to read as follows:

Duty of
Treasurer to
collect taxes
and assess-
ments for
irrigation
and drainage
districts.

"Section 1. It shall be the duty of the County Treasurer of each county in which any irrigation or drainage district is located, in whole or in part, to collect and receipt for all taxes and assessments, levied by any such district, in the same manner and at the same time as is required in the collection of taxes upon real estate for county purposes, provided, the Treasurer shall receive from any taxpayer at any time, the amount due on account of any district assessments of any kind, whether other taxes on the same real estate are paid or not. In such case, a separate tax receipt shall issue showing exactly what assessments have been paid and shall show that no other tax on said real estate has been received by said Treasurer, and provided further, such County Treasurer shall not collect or receive or receipt for any taxes levied for county purposes upon real estate situated wholly or in part within any irrigation or drainage district upon which an assessment for the purposes of such irrigation or drainage district has been levied, unless the said assessment levied for such irrigation or drainage district purposes be paid, as herein permitted and the receipt therefor presented to the County Treasurer at the time such taxes are paid, or paid at the same time."

Other taxes
not to be re-
ceived until
irrigation
and drainage
taxes are paid.

When
applicable.

Section 2. The provisions of this Act, with reference to the payment of special assessments, including irrigation and drainage district assessments, shall apply in all cases, where such special assessments are delinquent at the date of the passage and approval of the Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 74

An Act Legalizing and Validating All Elections Heretofore Held in Any City or Town of This State, Authorizing the Creation or Increase of the Indebtedness of Such City or Town Within or Exceeding Three Per Centum (3%) of the Total Assessed Valuation of the Taxable Property of Said City or Town, as Ascertained by the Last Assessment for State and County Purposes, for Any of the Purposes Set Forth in Subdivision 64, Section 5039, Revised Codes of Montana, 1921, as Amended, and Section 1, Chapter 160, Session Laws of Montana, 1931, or Under the Provisions of Chapter 24 of the Extraordinary Session of the Twenty-third Legislative Assembly, Which Elections Were Held After Notice Published and Posted, as Provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at Which the Proposal to Create or Increase Said Indebtedness Received a Majority of All Votes Tendered and of All Votes Cast at Such Election.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That any election heretofore held for the purpose of authorizing any city or town of the State of Montana to create or increase the indebtedness of such city or town by issuing bonds for any of the purposes set forth in Subdivision 64 of Section 5039, Revised Codes of Montana, 1921, as amended, or Sections 1 and 3, Chapter 160, Session Laws of Montana, 1931, or under the provisions of Chapter 24 of the Extraordinary Session of the Twenty-third Legislative Assembly, not exceeding the limits therein set forth, and which election was held after notice, stating the time and place of holding the election, the amount of the bonds proposed to be issued and the purposes thereof, was published and posted in the time and manner required by Section 5279, Revised Codes of Montana, 1921, or Section 8, Chapter 160, of the Session Laws of Montana, 1931, and at which election the proposal to increase said indebtedness and to issue such bonds received a majority of all votes tendered and of the votes cast at such election upon such proposition, be, and the same hereby is legalized, ratified, confirmed, and declared valid to all intents and purposes; and all

Elections
validated.

Time and
place of
election.

Purpose.

Bonds
legalized.

such bonds, whether issued or hereafter to be issued, are legalized and declared to be valid and legal obligations of and against the city or town issuing the same, regardless of any error, defect, omission, irregularity or departure from statute or city or town ordinance in the holding of and conducting of such election, or the registration therefore, or in any of the steps or proceedings relating thereto.

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 75

An Act Requiring All Railroad Engines and Locomotives to be Equipped With a Rear Head Light; Providing Penalties for the Violation of This Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Rear head
light required
on engines
and loco-
motives.

Section 1. From and after the effective date of this Act, no engine or locomotive, by whatever form of energy propelled, shall be run or operated upon any railroad track or line of railway within the State of Montana unless said engine or locomotive shall be equipped with a rear head light in addition to the front head light now required by law. The rear head light required by the terms of this Act shall be of not less than two hundred fifty (250) candle power and shall at all times be kept and maintained in good working condition.

Require-
ments of.

Penalty for
violation.

Section 2. Every railroad company and every person, firm, company, corporation or association of persons who shall cause or permit any engine or locomotive to be operated upon any railroad track or line of railway within the State of Montana in violation of the terms of this Act shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than Fifty Dollars (\$50.00)

nor more than Five Hundred Dollars (\$500.00) for each separate offense.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 4. This Act shall take effect in sixty days from and after the date of its passage and approval.

Approved March 2, 1935.

CHAPTER 76

An Act Regulating the Hours of Labor of Drivers and Attendants of Motor Busses in the State of Montana; Defining the Term "Attendant" and Fixing Penalties for the Violation of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Drivers or attendants of motor busses employed in the State of Montana, shall not be employed for more than eight (8) hours in the twenty-four (24) hour period and drivers or attendants of motor busses shall be allowed a rest of at least twelve (12) hours between the completion of their services in any twenty-four (24) hour period and the beginning of their services in the next succeeding twenty-four (24) hour period.

Hours of
labor for
drivers and
attendants of
motor busses.

Provided, the provisions of this Act shall not be effective when life is in danger of destruction or in case of danger of property in imminent danger of destruction, or in case of delay due to accident or unpassable roads, or abnormal road conditions, snow blockades, or shall not affect the delay of mails for said drivers or attendants.

Exception for
emergencies.

Section 2. Attendants, for the purpose of this Act, are defined as any employee engaged for a portion of the twenty-four (24) hour period in a day driving or repairing a motor bus, and who is required to remain on said vehicle as a relief driver or mechanic for time in excess of the eight (8) hour period, of which he shall be rightly employed. Any employer or supervisor in charge of employee who shall require a driver or attendant as above defined to labor contrary to the provisions of this

"Attendants"
defined.

Penalty for
violation.

Liabie also
in damages.

Act shall be declared guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00), or more than Six Hundred Dollars (\$600.00), or by imprisonment of not less than thirty (30) days or more than seven (7) months or both such fine and imprisonment. All motor bus companies operating lines in this state shall be liable in damage for all injuries to the person or persons resulting in the violation of the provisions of said Act.

Hours, how
computed.

Section 3. In computing the number of hours of employment made by the provisions of this Act, evidence may be introduced showing that part of said time shall be consumed prior to entry within the State of Montana.

Repealing
clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 77

An Act to Amend Section 10485 of the Revised Codes of Montana, 1921, Relating to the Payment of Mothers' Pension Allowance in the event of the Conviction and Imprisonment of the Father of the Family.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 10485 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Allowance for
children to
be paid to
mother.

"Section 10485. **Allowance in Case of Conviction of Father, of a Felony.** Be it further provided, that under the conditions of this Act, when the father of the child or children, on whose behalf application for assistance is being made, has been convicted of a crime and is confined in the State Prison, the county in which he was a resident at the time of conviction shall pay the allowance made for such child or children to the mother."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 78

An Act to Amend Section 138 of Chapter 89 of the Laws of the Twentieth Legislative Assembly, 1927, Relating to Disposition of Assets Remaining After Payments of Claims of Banks in Liquidation by the Superintendent of Banks and Final Closing of Trust.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 138, Chapter 89 of the Session Laws of the Twentieth Legislative Assembly, 1927, be, and the same is hereby amended to read as follows: Amending clause.

“Section 138. Disposition of Assets Remaining After Payments of Claims.

(a) Whenever the Superintendent of Banks has paid to each and every depositor and creditor of such bank whose claims shall have been duly approved and allowed as herein provided, the amount due thereon, or made satisfactory adjustment thereof, and shall have made provisions for unclaimed and unpaid deposits and disputed claims and deposits, and shall have paid all the expenses of liquidation, he shall file with the Clerk of the District Court of the county in which the bank is located, a report of his administration of said trust. If there be remaining assets on hand the Superintendent of Banks may apply to the judge of said court in open court or in chambers, for an order authorizing him to surrender the remaining assets together with all the stationery, correspondence, books and records, had and kept by the bank while it was a going concern to the directors of said bank in office at the time of closing the same, as trustees for stockholders, or to such other person, if any, as may have been or may be designated as trustee by a

When Superintendent of Banks shall report on administration of bank.

Procedure where assets remain.

Application for order to surrender assets to directors.

Hearing upon notice.	majority of the stockholders. The report and petition shall be set for hearing upon such notice as the court may direct and upon hearing had and approval of said report and account being given and the surrender of said assets being made as in the order directed, the Superintendent of Banks shall be discharged from all further liability or responsibility in connection with the assets and affairs of said bank. The court may, if requested, require such trustees to give bond in such amount as the court may fix, conditioned for the faithful performance of their duties. It shall be the duty of the said trustee or trustees to complete the liquidation of any remaining assets with power to sell and dispose of real and personal property as rapidly as may be and to distribute the proceeds of same among the stockholders as their equities or rights may appear, or to dispose of the same in such other manner as the stockholders shall, by majority action direct, provided, however, the court may upon request of a majority of the stockholders order the Superintendent of Banks to close up the trust as provided in clause (b) of this section.
Superintendent to be discharged of liability upon surrender.	
Trustees to give bond when.	
Duty of trustees to close up.	
When court may order Superintendent to close up.	
Procedure where assets are insufficient.	(b) If the assets of said bank be insufficient for making payments in full to the depositors and creditors of said bank, then, whenever the Superintendent has liquidated all available assets and disbursed the same as provided by law, the Superintendent of Banks shall file with the Clerk of Court of the county in which the bank is located, a final report of his liquidation of such bank. Upon such notice as the court may order, the report shall be set for hearing before the court and if found correct and all funds accounted for, the court shall approve the same. The Superintendent of Banks may at the same time and in the report make application to the district court of the county in which such bank is located, for an order directing the closing of the trust and upon entry of the order closing the trust the Superintendent of Banks shall be discharged from all further liability or responsibility in connection with the assets and affairs of said bank, and the charter of said bank shall be forfeited and all the stationery, correspondence, books and records had and kept by the bank while it was a going concern, and deemed by the Superintendent of Banks to be of no value, may be destroyed, provided, however, that no correspondence or records shall be destroyed for
File final report with Clerk of Court.	
Order closing trust.	
Discharge from further liability.	
Destruction of records.	
Limitation on.	

a period of ten years from the date the bank ceased to be a going concern.

(c) On application for orders, as in this section provided, the bank shall be made a party by notice issued on order of the court or judge and served in such manner as the court shall direct and the hearing of applications authorized by this section may be had at any time in court or in chambers, as the court may order, provided there be not less than five (5) days' posted and/or served notice of the hearing."

Bank to be made a party.

Notice required.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 79

An Act Providing for the Mortgaging of the Right of Dower of an Insane Married Woman, and Providing for the Appointment of a Guardian of an Insane Married Woman When Her Only Property is Right of Dower in Her Husband's Real Estate.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The right of dower of an insane married woman may be mortgaged by her guardian for the purpose of paying either debts, costs and charges of maintenance, charges of administration or to pay, reduce, extend, or renew some lien or mortgage already subsisting on said dower right in real property or for the purpose of benefiting or improving the real estate in which said insane married woman has a dower right and to obtain an order to mortgage such dower interest, the guardian shall take the same proceedings provided by Section 10427, Revised Codes of Montana, 1921. The right of dower of an insane married woman shall be deemed property for the purpose of authorizing the appointment of a guardian of her estate.

When the right of dower of insane married woman may be mortgaged by her guardian.

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 80

An Act to Amend Section 10637 of the Revised Codes of Montana, 1921, Relating to Evidence of Publication—What Constitutes.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 10637 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

What
constitutes
evidence of
publication.

“Section 10637. **Evidence of Publication—What Constitutes.** Evidence of the publication of a document or notice required by law, or by an order of a court or judge, to be published in a newspaper, may be given by the affidavit of the printer or publisher of the newspaper, or his foreman or principal clerk, annexed to a copy of the document or notice, specifying the times when and the paper in which the publication was made.”

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 81

An Act to Amend Section 8 of Chapter 89 of the Laws of the Twentieth Legislative Assembly of 1927, Relating to the Amount of Capital Stock and Surplus Necessary to the Procuring of Certificate of Authorization, for the Establishment of a Commercial Bank, and Pro-

viding Further for the Fixing of the Amount of Capital Stock and Surplus Necessary in Cities or Towns of Different Population.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8 of Chapter 89 of the Laws of the Twentieth Legislative Assembly of 1927, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 8. **Amount of Capital.** The amount of the common and preferred stock of a commercial bank shall not be less than Twenty-five Thousand Dollars (\$25,000) and in addition thereto there shall be created a surplus of not less than ten per cent (10%) of the amount of the capital stock of said bank, which said surplus and capital stock shall be paid up in cash and deposited with some bank or banks at the time the application is made to the Superintendent of Banks for the certificate of authorization hereinabove mentioned.

Minimum amount of capital stock and surplus of a commercial bank.

That a commercial bank having its place of business in a city or town of more than two thousand (2,000) and less than four thousand (4,000) inhabitants, as disclosed by the last authorized census, shall have a capital stock of not less than Thirty Thousand Dollars (\$30,000), and a surplus of ten per cent (10%) of the capital stock as hereinbefore provided; that a commercial bank having its place of business in a city or town of more than four thousand (4,000) inhabitants, as disclosed by the last authorized census, shall have a capital stock of not less than Fifty Thousand Dollars (\$50,000.00) and a surplus of ten per cent (10%) of the capital stock as hereinbefore provided.

Regulated by population of city or town.

The amount of the capital stock of a savings bank, trust company, or investment company shall be fixed and limited by the articles of agreement, and shall be not less than One Hundred Thousand Dollars (\$100,000.00) nor more than Ten Million Dollars (\$10,000,000.00), of which amount at least One Hundred Thousand Dollars (\$100,000.00) must be subscribed and fully paid up in cash and on deposit with some bank or banks in this state when the application is made to the Superintendent of Banks for the certificate of authorization hereinabove men-

Capital stock required for a savings, trust or investment bank.

Amount of
stock which
must be
paid up.

Par value
to be \$100.

Saving
clause.

Repealing
clause.

Emergency
clause.

tioned. The remainder of the authorized capital stock may be subscribed and paid in at such times and under such regulations as the Board of Directors of such corporation may determine. The shares of the common capital stock of all banks shall have a par value of One Hundred Dollars (\$100.00); provided that this Act shall not require any bank in existence and doing business to increase its capital stock."

Section 2. If any provision in this Act, or the application thereof to any person, corporation or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons, corporations, or circumstances, shall not be affected thereby.

Section 3. All laws or parts of laws in conflict with the provision of this Act are hereby repealed.

Section 4. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force from and after its passage and approval.

Approved March 2, 1935.

CHAPTER 82

An Act to Prohibit the Offering or Giving of Bag Limit Prizes for Any Game or Fish Taken Within This State and Providing for Penalties for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Bag limit
prizes for
game or fish
taken un-
lawful.

Section 1. That it shall be unlawful for any person, firm, corporation, association or club to offer or give any prize, gift or anything of value in connection with, or as a bag limit prize for, the taking, capturing, killing or in any manner acquiring any game, fish, fowl, fur-bearing animals, or any fish, bird or animal now, or that shall be hereafter, protected in any way by the fish and game laws of the State of Montana.

Proviso.

This Act shall not be construed to prohibit the award of prizes for any one game bird, animal, fish or fur-bearing animal on the basis of size, quality, or rarity.

Section 2. Any person, firm, corporation, association, or club violating any of the provisions of Section 1 of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each such offense. Penalty.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1935.

CHAPTER 83

An Act Providing for the Enforcement of the Laws Governing the Grading of Hay in the State of Montana; Providing for the Inspection Thereof and Conferring Certain Powers and Duties Upon the Commissioner of Agriculture, Labor and Industry, and Repealing Section 4231 of the Revised Codes of Montana for 1921 and All Other Acts Conflicting Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Commissioner of Agriculture, Labor and Industry shall, through the Division of Horticulture, enforce the provisions of Section 4229 and Section 4239 as amended governing the grading and inspection of hay; promulgate such rules and regulations as are necessary for the enforcement thereof and provide for an inspection fee covering the expense of such inspection. Commissioner of Agriculture to enforce hay grading law.

Section 2. Section 4231 of the Revised Statutes of 1921 and all Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect immediately upon its passage and approval.

Approved March 5, 1935.

CHAPTER 84

An Act to Amend Section 4230 of the Revised Codes of Montana, 1921, Relating to the Sale of Hay.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 4230 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Requirements
for purchase
of hay.

“Section 4230. **Sale of Other Than Standard Hay Forbidden.** It shall be unlawful for any person, firm or corporation to buy or offer to buy, for the purpose of resale within or without the State of Montana, hay the established grade of which is created, fixed and established by the preceding sections, unless said hay meets the requirements provided for in said sections.”

Proviso.

Section 2. Nothing in this Act shall apply to hay in the stack.

Repealing
clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall become in full force and effect immediately upon its passage and approval.

Approved March 5, 1935.

CHAPTER 85

An Act to Amend Section 8 of Chapter 104 of the Session Laws of the Twenty-first Legislative Assembly, 1929, Relating to Handicapped Persons Trained for Cosmetology by the State Bureau of Vocational Rehabilitation.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 8 of Chapter 104 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana, relating to the examination of applicants for cosmetology, be amended to read as follows:

“Section 8. **Examinations.** Examinations shall be held at least two times a year at a place and time specified by the said board and shall be conducted by said state board or persons appointed by the said board for said purpose. Such examiners shall have had at least three years’ practical experience and be of established reputation and known ability in the practice of cosmetology and shall not be connected with any school of cosmetology. The examinations shall not be confined to any specific method or system.”

Examination
in cosmetology.

Qualifications
of examiners.

“Provided that physically handicapped persons trained for cosmetology under the State Bureau of Vocational Rehabilitation shall, for a period of one year immediately following their graduation, be exempted from this examination and the fees described in Section 15 of this Act. Upon certification from the State Supervisor of Rehabilitation that a bureau beneficiary has successfully completed the required apprenticeship or training in a shop or beauty school, the secretary of the state board shall issue to such person the necessary certificate or license to practice the profession in Montana.”

License to be
granted to
physically
handicapped
persons with-
out examina-
tion when.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1935.

CHAPTER 86

An Act to Amend Section 10025 of the Revised Codes of Montana, 1921, Relating to the Notice of Hearing of Petition for Probate of Will; Providing the Notice to be Given; the Manner of Giving Such Notice; the Length of Time Such Notice Shall be Given; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10025 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Amending
clause.

Notice of
hearing on
petition for
probate of will.

Publication
requirements.

Repealing
clause.

"Section 10025. When the petition is filed and the will produced, the Clerk of the Court must set the petition for hearing by the court or judge upon some day not less than ten nor more than thirty days from the production of the will. Notice of hearing shall be given by such clerk by publishing the same in a newspaper in the county; if there is none, then by three written or printed notices, posted at three of the most public places in the county. If the notice is published in a weekly paper, it must appear therein on at least three different days of publication; and if in a newspaper published oftener than once a week, it shall be published on at least three different days of publication, and it shall be so published that there must be at least ten days from the first to the last day of publication, both the first and last day being included. If the notice is by posting, it must be given at least ten days before the hearing."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1935.

CHAPTER 87

An Act to Amend Section 1 of Chapter 8 of the Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933, Relating to the Letting of Contracts by Boards of County Commissioners for the Purchase of Automobiles, Trucks, Vehicles, Road Machinery, or Other Machinery, Apparatus, Appliances, Equipment, Materials and Supplies.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1 of Chapter 8 of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933, be and the same is hereby amended to read as follows:

"Section 1. No contract shall be entered into by a Board of County Commissioners for the purchase of any

automobile, truck or other vehicle, or road machinery, or other machinery, apparatus, appliances or equipment, or materials, or supplies of any kind, for which must be paid a sum in excess of One Thousand Dollars (\$1,000), without first publishing a notice calling for bids for furnishing the same, which notice must be published at least once a week, for three consecutive weeks before the date fixed therein for receiving bids, in the official newspaper of the county, and every such contract shall be let to the lowest and best responsible bidder; provided, however, that this Act shall not apply to contracts for purchases, which in the opinion of the board are made necessary by fire, flood, explosion, storm, earthquake, or other elements, epidemic, riot, insurrection, or for the immediate preservation of order, or of the public health, or for the restoration of a condition of usefulness which has been destroyed by accident, wear or tear, mischief, or for the relief of a stricken community overtaken by calamity."

Notice calling for bids must be published when.

Notice, how published.

Act shall not apply in certain emergencies.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1935.

CHAPTER 88

An Act to Permit Real Property to be Redeemed From Tax Sale by Paying the Original Tax, Provided Such Original Taxes be Paid on or Before December First, 1935, and Relating to the Time of Taking Tax Deed.

WHEREAS, the severe financial and economic depression existing for several years past, has resulted in an unprecedented increase of delinquent taxes in the State of Montana and the several political subdivisions thereof; and by reason of such increase the amount of delinquent taxes, estimated revenues upon which the operation of the state, counties, school districts and municipalities were predicated failed to materialize, with the result that deficits have accumulated in many of such taxing districts and there are large amounts of outstanding war-

Preamble.

rants, and orders unpaid and for the immediate payment of which no provision has been made; and

Preamble.

WHEREAS, by reason of such delinquent taxes and the sale of the property affected thereby to the several counties there exists a condition whereby a large amount of the taxable property of the state has been removed from the tax roll and is non-assessable, and that the requirement of the payment of accrued penalties, interest and accumulated deficits in taxes would be extremely burdensome to a large number of taxpaying home owners of the State of Montana, now already suffering from the unprecedented financial and economic depression of recent years, and that a large proportion of the amount thus due, cannot be paid, resulting in the title to such taxable lands reverting to the state and its subdivisions and the loss of all equity therein to the owner; and

WHEREAS, the Legislature having carefully studied the fiscal and financial affairs of the various subdivisions and having access to the official records in the office of the Board of Equalization of the state, and having studied the various computations made therein, and having examined and investigated the various estimates for the maintenance and operation of constitutional government, finds

That the maintenance and operation of constitutional and orderly local government, and provision for a reasonably efficient free school system are essential and indispensable to the protection and obligations of contractual indebtedness of the state and its various subdivisions and that if such ordinary governmental functions, including an efficient school system, be not provided, the value of all property will greatly depreciate, and homes and business properties in the state will be rendered uninhabitable and of little value, thus increasing the burden of taxation upon the people of the state endeavoring to meet their tax obligations; and

WHEREAS, the remission by the Legislative Assembly of penalties and interest are and does not become a reduction of an obligation or liability of taxation held or owned by the state, but in truth and fact provides a method of and for the collection of the original tax levied in pursuance of law and is in accord with the well set-

tled and established principles that when operation in strict conformity to law is impossible of fulfillment then a just and equitable settlement to salvage the claim is proper, just and legal; and

WHEREAS, two former Acts of the Legislative Assembly of the State of Montana relating to the subject matter and general object of this Act have been held by the Supreme Court of Montana unconstitutional for varying reasons; and

Preamble.

WHEREAS, the Legislative Assembly cannot and does not entertain the belief that the previous sessions thereof, acting in response to the demand of an intelligent public opinion, had in mind in the enactment of such laws, that any possible effect or consequence thereof would be to destroy or seriously impair constitutional government in the state or any political subdivisions thereof, but rather that one of the objects and purposes of government was to assist and aid the taxpayers of this state within reasonable bounds, consistent with the present existing economical and efficient administration thereof; and

WHEREAS, it is the express purpose and object of the provisions hereinafter contained to fully conform with the spirit of the provisions of the State Constitution, to the end that the proper agencies of the government may not be compelled to abdicate or cease to function, therefore the Legislative Assembly finds and declares that the provisions of this Act hereinafter contained are as it verily believes fully within the spirit of the provisions of the Constitution and that by reason thereof may be found to be workable in its practical application within the scope of remedial legislation necessary to the welfare of the people of the State of Montana; and

WHEREAS, the State of Montana possesses the right under its police power to declare a state of emergency to exist, it is believed and the Legislative Assembly of Montana hereby declares that conditions existing as hereinbefore set forth, have created an emergency of such a nature that justifies and validates changes in legislation providing for the temporary method and conditions upon which penalties and interest may be levied and collected upon delinquent taxes and equitable relief in connection

herewith conferred upon the County and City Treasurers of the State of Montana, now therefore;

Be it enacted by the Legislative Assembly of the State of Montana:

Redemption
of land sold
to county
for taxes.
by paying
original tax
without penalty
or interest.

Redemption
must be made
before Decem-
ber 1st, 1935.

Notice of right
of redemption
to be published.

Also to mail
notice to de-
linquent
taxpayer.

Assignments
of tax sales
not to be made.

Saving
clause.

Section 1. That from and after the passage and approval of this Act, any person having an interest in real estate heretofore sold for taxes to any county, or which has been struck off to such county when the property was offered for sale and no assignment of the certificate of such sale has been made by the County Commissioners of the county making such sale, shall be permitted to redeem the same by paying the original tax due thereon, and without the payment of any penalty or interest thereon. Such redemption of real estate must be made on or before the first day of December, 1935, and if such redemption is not made by the first day of December, 1935, then redemption can only be made by payment of the original tax with accrued interest penalties and costs as now provided by law. This Act shall not apply to the purchaser of any certificate of sale made prior to the passage and approval of this Act.

Section 2. County Treasurers and City Treasurers in their respective counties and cities shall cause to be published in at least one issue of the official newspaper of such county or city a notice of such right of redemption and extension of time, such notice to be published within sixty (60) days from the approval of this Act. It shall be the duty of the County Treasurer of each county to mail notice to delinquent taxpayers to their last known address advising them of their rights under this chapter within sixty (60) days after the approval of this Act.

Section 3. County and City Treasurers shall not make assignments of tax sales until after the first day of December, 1935. Providing further that any case where application for a tax deed has been made that this Act shall not apply.

Section 4. If any section, sub-section, sentence, clause, or phrase of this Act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislative Assembly declares that it would have passed this Act and each section, sub-section, sentence, clause and phrase thereof

irrespective of the fact that any one or more section, sub-section, sentence, clause or phrase be declared unconstitutional, the same being necessary to the welfare of the State of Montana and the political subdivisions thereof by reason of the existence of an extraordinary emergency.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Section 6. This Act stays the operation of all Acts and parts of Acts in conflict herewith until the first day of December, 1935, but does not otherwise affect such Acts or parts of Acts.

Stays provision
in conflict
with it.

Approved March 5, 1935.

CHAPTER 89

An Act Requiring the State Board of Land Commissioners to Give Credit on All Grazing Leases of State Lands to Lessees Who Paid the Rentals for the Year Beginning March 1, 1933, at the Rate Provided by Law Before the Effective Date of Chapter 42 of the Session Laws of the Twenty-third Legislative Assembly of 1933, for an Amount Equal to the Reduction in Such Rates Effected by Said Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All lessees holding valid grazing leases of state lands who paid the rentals on such leases for the year beginning March 1, 1933, prior to March 2, 1933, the effective date of Chapter 42 of the Session Laws of the Twenty-third Legislative Assembly of Montana of 1933, shall be given credit on such leases for a sum equal to the amount of the reduction in the rental price of such lands effected by the Act aforesaid. The terms of this Act shall be applicable only to such leases as are still in force and effect and in good standing.

Credit to be
given on cer-
tain grazing
leases.

Section 2. Upon application of any person entitled to the benefits of this Act, it shall be the duty of the State Board of Land Commissioners to allow said appli-

Allowance
of credit.

cant the credit herein provided for upon his lease and to apply such credits to the satisfaction insofar as the same is sufficient, of the next rentals falling due under said lease.

Repealing
clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect upon its passage and approval.

Approved March 5, 1935.

CHAPTER 90

An Act to Amend Sections 1, 2 and 3 of Chapter 46, Session Laws of the Twenty-third Legislative Assembly of Montana, 1933; Being an Act to Regulate the Practice of the Profession of Public Accounting or Auditing; Providing for the Qualifications, Examination and Admission of Applicants and the Issuance of Certificates Thereto; Providing for an Examining Board and the Powers Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1 of Chapter 46 of the Session Laws of the Twenty-third Legislative Assembly of Montana, 1933, be, and the same is hereby amended to read as follows:

Qualifications
for Certified
Public
Accountant.

“Section 1. Any citizen, or person who has bona fide declared his intention to become a citizen of the United States, over the age of twenty-one years, of good moral character, and who possesses the qualifications of learning, ability, experience and residence hereinafter provided, is entitled to admission as a Certified Public Accountant of this state. All persons are Certified Public Accountants of this state who are now entitled to practice as Certified Public Accountants therein, and every person is entitled to be certified by the State University of Montana (hereinafter referred to as the University) as a Certified Public Accountant who shall have been engaged in Public Accounting or Auditing exclusively

and continuously for at least five years before making application to the University for a certificate as a Certified Public Accountant, and who shall produce satisfactory evidence of good moral character, is a graduate of a high school having a four-year course, or possessed of an equivalent education, and is a resident of the State of Montana for at least one year immediately preceding the date of his application. The University is hereby directed to issue to such person a certificate entitling him to practice as a Certified Public Accountant, and to employ the title of 'Certified Public Accountant' or the abbreviation 'C. P. A.' Any person employed by the State of Montana as State Accountant, Corporation License Tax Auditor or/and Income Tax Supervisor, State Examiner, or Assistant or Deputy State Examiner, shall be deemed to be engaged in Public Accounting or Auditing. Any person who has not been engaged in Public Accounting or Auditing exclusively and continuously for at least five years and who desires to receive a certificate entitling him to practice as a Certified Public Accountant must submit to and successfully pass a written examination at the hands of the Board of Examiners in Accountancy in the subjects of Auditing, Accounting and Commercial Law as affecting Accountancy, together with such other related subjects as the University may designate. Such person must be a citizen of the United States or have declared his intention to become a citizen of the United States, a resident of the State of Montana at least one year, a graduate of a high school having a four-year course or be possessed of an equivalent education, and produce satisfactory evidence of good moral character at the time he makes application to take such examination."

Exclusive and continuous practice for 5 years required.

Residence.

University to issue certificate when.

Certain state officers deemed engaged in Public Accounting.

Examination required when.

Qualifications of applicants for examinations.

Section 2. That Section 2 of Chapter 46 of the Session Laws of the Twenty-third Legislative Assembly of Montana, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 2. Every person who is a citizen of the United States or who has bona fide declared his intention to become a citizen of the United States, who has been a resident of the State of Montana at least one year, and who is the holder of a valid certificate as Certified Public Accountant, issued by another state where the re-

Certified Public Accountants from other states, when admitted.

quirements entitling him to practice as such Certified Public Accountant are substantially equivalent to those of this state, may be admitted to practice as a Certified Public Accountant in this state upon the production of his certificate and satisfactory evidence of good moral character; but the University may examine the applicant as to his qualifications, and if it finds the applicant qualified, it may issue a certificate in such form as to clearly indicate the conditions under which the same was issued."

Amending
clause.

Section 3. That Section 3 of Chapter 46 of the Session Laws of the Twenty-third Legislative Assembly of Montana, 1933, be, and the same is hereby amended to read as follows:

Board of
Examiners in
Accountancy.

"Section 3. For the purpose of determining the qualifications of persons applying for examination, under the provisions of Section 1 of this Act, the State Board of Education shall appoint a Board of Examiners in Accountancy, consisting of three members, each of whom shall possess a certificate as Certified Public Accountant issued under the authority of this Act. The members first appointed on the board hereunder shall hold their offices until July 1st, 1935. The members subsequently appointed on the board shall hold their offices for the period of one year, and until their successors are appointed and qualified."

Term of office
of examiners.

Repealing
clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1935.

CHAPTER 91

An Act Providing for the Filing of Notices of Chattel Mortgages, and Renewals, and Assignments, and Satisfactions Thereof on Livestock Owned by Owners of Recording Brands, in the Office of the General Recorder of Marks and Brands, and the Listing of the Same in the Principal Livestock Markets With Live-

stock Commission Stock Inspectors, Prescribing the Form of Such Notices and Providing What They Shall Contain and Who Shall Furnish the Same, the Fee to be Charged Therefor and to be Paid Into the Livestock Commission Fund, and Non-Liability of the General Recorder of Marks and Brands and the Livestock Commission, and its Agents and Employees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The General Recorder of Marks and Brands of the State of Montana shall accept and file in the office of the General Recorder of Marks and Brands, notices of chattel mortgages, renewals, assignments and satisfactions thereof, upon the livestock owned by any person, firm, corporation, or association, and bearing his, their or its recorded brand, and shall list such notices on the official records of marks and brands kept by him, and also shall cause to be listed said notices in the offices of stock inspectors employed by the Livestock Commission and stationed at the several central livestock markets where records of marks and brands are kept. All forms on which such notices shall be given shall be prescribed by the Livestock Commission and shall be furnished by the mortgagee of livestock, who shall give such notice.

Notices of chattel mortgages, renewals, assignments and satisfaction thereof, shall be accepted and filed by Recorder of Marks and Brands.

Section 2. Such notices shall consist of a statement showing the date of chattel mortgage, the name of the mortgagors and mortgagees, and/or holder and owner thereof, a description of the livestock covered by said mortgage, the date and county when and where said chattel mortgage is filed, and any other date and place where said chattel mortgage is filed, and in case of notice of renewal, the notice shall state the date of renewal thereof and the date of filing such renewal, and the places where filed, and in the case of a notice of assignment of a chattel mortgage, such notice shall state the date of such assignment, the date of filing the same, the places where filed, and a description of the chattel mortgage assigned and the parties to the assignment, and such other or additional information as may be required from time to time by the Livestock Commission of the State of Montana.

What the notices shall show.

Satisfactions
of mortgages
to be immedi-
ately filed.

Section 3. It shall be the duty of the mortgagees, who filed notices of chattel mortgages, renewals and assignments thereof, with the General Recorder of Marks and Brands, as provided for in this Act, to file notices of satisfaction of such mortgages with the General Recorder of Marks and Brands immediately upon the satisfaction of said mortgage.

Fees for filing
and listing.

Section 4. The General Recorder of Marks and Brands shall charge for filing and listing such notices of chattel mortgages the sum of Fifty Cents (50c) for each recorded brand listed in each chattel mortgage, and for filing and listing each notice of satisfaction or renewal or assignment of such chattel mortgage, the sum of Fifty Cents (50c) for each recorded brand listed therein. All fees so collected shall be paid into the Livestock Commission Fund.

State
officers not
to be liable.

Section 5. Neither the General Recorder of Marks and Brands nor the Livestock Commission, nor any of its agents or employees shall be held responsible or liable to either mortgagor or mortgagee for the collection or payment of any money due the holder of any livestock mortgage on account of the filing and listing of notices of chattel mortgage or renewals, satisfactions, or assignments thereof as provided in this Act; providing the provisions of this Act are carried out in good faith.

Repealing
clause.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1935.

CHAPTER 92

An Act to Provide for the Destruction of Old Worthless Reports, Papers and Records That Have Served Their Purpose and Are Substantiated by Permanent Records, in State, County, City and Town Offices Under Certain Restrictions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any state office, board or commission may destroy old worthless reports, papers, or records in his or their office that have served their purpose and that are substantiated by permanent records, upon the order of the State Board of Examiners and with the approval of the State Examiner.

When old records may be destroyed.

State.

Section 2. Any county officer may destroy old worthless reports, papers or records in his office that have served their purpose and that are substantiated by permanent records, upon the order of the Board of County Commissioners and with the approval of the State Examiner.

County.

Section 3. Any city or town officer may destroy old worthless reports, papers or records in his office that have served their purpose and that are substantiated by permanent records, upon the order of the City or Town Council or Commission and with the approval of the State Examiner.

City or town.

Section 4. Provided, however, that under no circumstance, shall any claim, warrant, voucher, bond or treasurer's general receipt be destroyed by any state, county, city or town officer.

Certain records not to be destroyed.

Section 5. All Acts or parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1935.

CHAPTER 93

An Act to Permit Counties Which Are Indebted Beyond the Limit Provided by Section 5 of Article XIII of the Constitution to Operate on a Cash Basis.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That in case the total indebtedness of a county, lawful when incurred, by reason of great diminution of taxable values exceeds the limit of five per centum

When counties may operate on a cash basis.

Proviso.

(5%) provided in Section 5 of Article 13 of the Constitution of the State of Montana, it shall be lawful for said county and it is hereby authorized and empowered to thereafter manage and conduct its business affairs on a cash basis and pay the reasonable and necessary current expenses of said county out of the cash in the county treasury and derived from its current revenue, and under such restrictions and regulations as may be imposed by the Board of County Commissioners of said county by a resolution duly adopted and spread upon the minutes of said board; provided, however, that nothing herein shall restrict the right of said board to make the necessary tax levies for interest and sinking fund purposes, and provided further that nothing herein shall affect the right of any creditor of said county to pursue any remedy now given him by law to obtain payment of his claim.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1935.

CHAPTER 94

An Act to Amend Section 1 of Chapter 196 of the Session Laws of the Twenty-second Legislative Assembly of Montana of 1931, Providing for the Employment of Prison Labor in the Manufacture of Common and Cement Sand Brick and for Construction and Repair of Buildings at the Montana State Prison.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1 of Chapter 196 of the Session Laws of the Twenty-second Legislative Assembly of Montana of 1931, be, and the same is hereby amended to read as follows:

Prison labor
to make
bricks.

“Section 1. It is hereby made the duty of the Board of Prison Commissioners to use the labor of the male prisoners in the Montana State Prison for the manufacture of common brick and cement sand brick at Deer Lodge, Montana, said work to be in direct charge of the Warden of the State Prison and under the control and

supervision of the State Board of Prison Commissioners and said brick so made to be used only for the construction and/or repair of buildings at the Montana State Prison."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1935.

CHAPTER 95

An Act to Amend Sections 2, 5 and 8 of Chapter 35, of the Acts of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana, Entitled: "An Act Providing for the Creation of the State Water Conservation Board; Prescribing Its Powers and Duties; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition of Property Necessary Therefor; Authorizing the Issuance of Water Conservation Revenue Bonds of the State Payable Solely From the Revenues of Such Works and the Funds Received From the Sale or Disposal of Water and From the Operation, Lease, Sale or Other Disposition of the Works, Property and Facilities to be Acquired Out of the Proceeds of Such Bonds; Providing for a Lien Upon Bond Proceeds; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection With This Act; Providing for Contracts With the United States; Declaring That no Debt of the State Shall be Incurred in the Exercise of Any of the Powers Granted by This Act; Providing for Purchase Condemnation; and Otherwise Acquiring Lands and Water Rights and for the Sale Thereof; Making an Appropriation; Repealing Chapter 155, of the Session Laws of 1931; and Declaring an Emergency", and to Supplement Said Chapter 35, by Adding Section 8A Thereto so as to Provide That the State Water Conservation Board May Mortgage Property, and by Add-

ing Section 21A Thereto so as to Provide That the State Water Conservation Board Shall be a Body Corporate; and by Adding Section 21B Thereto so as to Grant Additional Powers to the Board in the Sale of Water and to Authorize the Sale of Certain Water Works to Public Bodies; and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2 of Chapter 35, of the Acts of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana, be amended to read as follows:

Definitions.

"Section 2. **Definitions.** As used in this Act, the following words and terms shall have the following meanings:

"Board."

(a) The word "Board" shall mean the State Water Conservation Board hereinafter created.

"Works."

(b) The word "works" shall be deemed to include all property, rights, easements and franchises relating thereto and deemed necessary or convenient for their operation, and all water rights acquired or exercised by the board in connection with such works, and shall embrace all means of conserving and distributing water, including, without limiting the generality of the foregoing, reservoirs, dams, diversion canals, distributing canals, lateral ditches and pumping units, mains, pipelines and waterworks systems and shall include all such works for the conservation, development, storage, distribution and utilization of water including, without limiting the generality of the foregoing, works for the purpose of irrigation, development of power, watering of stock, supplying of water for public, domestic, industrial and other uses for fire protection.

"Cost of
Works."

(c) The term "Cost of Works" shall embrace the cost of construction, the cost of all lands, property, rights, easements and franchises acquired, which are deemed necessary for such construction, the cost of all water rights acquired or exercised by the board in connection with such works, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for a period not exceeding three

(3) years after the completion of construction, cost of engineering and legal expenses, plans, specifications, surveys, estimates of cost, and other expenses necessary or incident to determining the feasibility or practicability of any project, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and the construction of the works and the placing of the same in operation.

(d) The word "Owner" shall include all individuals, irrigation districts, incorporated companies, societies or associations having any title or interest in any properties, rights, easements or franchises to be acquired. "Owner."

(e) The word "Project" shall mean any one of the works hereinabove defined or any combination of such works which are physically connected or jointly managed and operated as a single unit. "Project."

(f) In case any water rights shall be acquired or exercised by the board in connection with two or more works and/or projects, the board by resolution shall apportion or allocate to each of such works and/or projects such part of such water rights as it may determine, and upon the adoption of such a resolution, such water rights shall be deemed to be a part of each of such works and/or projects to the extent that such water rights have been so apportioned or allocated thereto respectively. Allocation of water rights between two or more works or projects.

Section 2. That Section 5 of Chapter 35, of the Acts of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana, be amended to read as follows: Amending clause.

"Section 5. **Power of Board to Construct Works and to Act Beyond Jurisdiction.** The board is hereby authorized to construct, whenever it shall deem such construction expedient, any public works as hereinabove defined, the cost of such construction to be paid wholly by means of or with the proceeds of revenue bonds hereinafter authorized or of a grant to aid in financing such construction from the United States of America or any instrumentality or agency thereof and of other funds provided under the authority of this Act. Before constructing any project, the Board shall make estimates of the cost of the project, of the cost of maintaining, repairing and op- Authorized to construct public works. How to be paid. Estimate of costs to be made by board.

Revenue estimated shall equal expenses before construction shall proceed.	erating the same, and of the revenues to be derived therefrom, and no such project shall be constructed unless, according to such estimates, the revenues to be derived therefrom will be sufficient to pay the cost of maintaining, repairing and operating the same, and to pay the principal and interest of revenue bonds which may be issued for the cost of such project; provided, however, that in connection with the issuance of any of such bonds, the failure of the board to make the estimates required by this section or to make same in proper form shall in no way affect the validity or enforceability of any such bonds or of the trust indenture, resolution or other security therefor.
Proviso.	
Purpose of Act.	The purpose of this Act is to meet, so far as possible, a state-wide need for the conservation and use of water, through the construction and operation of projects designed for such purposes. The board is therefore empowered to make such investigations as may be necessary to plan and carry out a comprehensive state-wide program of water conservation. The projects to be finally constructed shall qualify as parts of such state-wide program and shall be approved by the board upon the showing of their prospective ability to meet, through the sale of water or other services, the cost of operation, maintenance and repair and the amortization of the cost of the construction; provided, however, that the failure of the board to determine such prospective ability of a project shall in no way affect the validity or enforceability of any of such bonds or of the trust indenture, resolution, or other security therefor.
Board to make investigations.	
Approval of projects.	
Proviso.	
Scope of board's powers in—	The board may exercise any of its powers:
Adjoining states.	(a) In any adjoining state, unless the exercise of such power is not permitted under the laws of such state or of the United States of America:
U. S. lands in or out of state.	(b) In any national forest or public domain of the United States of America adjoining, or located in, the State of Montana, unless the exercise of such powers is not permitted under the laws of the United States of America:
Foreign countries.	(c) In any adjoining country unless the exercise of such powers is not permitted under the laws of such country or of the United States or under the treaties

between such country and the United States; provided that the provisions of Sections 17, 18, 19 and 21 hereof shall not apply to waters appropriated and located outside the state so long as such waters are located outside the state or to rights in waters appropriated and located outside the state, and that all such waters shall be appropriated and all rights in such waters acquired by the board in compliance with the laws of the jurisdiction in which such waters are located and appropriated and with the laws of the United States."

Section 3. That Section 8 of Chapter 35, of the Acts of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana, be amended to read as follows:

Amending clause.

"Section 8. **Trust Indenture, Resolution and Covenants of Board.** In the discretion of the board, any series of such bonds may be secured by a trust indenture by and between the board and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state. Each trust indenture or an executed counterpart thereof shall be filed in the office of the Secretary of State of Montana. The filing of a trust indenture or an executed counterpart thereof in the office of the County Clerk of the county in which the property covered by said trust indenture is located shall constitute constructive notice of the contents thereof to all persons from the time of such filing and no recording of such trust indenture or the contents thereof shall be necessary.

Bonds may be secured by a trust indenture.

Where filed.

Filing of indenture shall constitute constructive notice.

Either the resolution providing for the issuance of bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper, not in violation of law, including covenants setting forth the duties of the state and the board in relation to the acquisition, construction, improvement, maintenance, operation, repair, and insurance of the works, the custody, safeguarding and application of all moneys, and may provide that the works shall be acquired, constructed, or partly acquired and partly constructed and paid for under the supervision and approval of consulting engineers employed or designated by the board and satisfac-

What the resolution or trust indenture may include.

Rights and
remedies of
bondholders.

tory to the original purchasers of the bonds issued therefor, their successors, assigns, or nominees, who may be given the right to require that security given by contractors and by any depository of the proceeds of the bonds or receipts and revenues of the works, or other moneys pertaining thereto, shall be satisfactory to such purchasers, successors, assigns, or nominees. Such resolution or indenture may set forth the rights and remedies of the bondholders and trustee, restricting the individual rights of action of bondholders as is customary in trust indentures, deeds of trusts and mortgages securing bonds and/or debentures of corporations. No enumeration of particular powers hereby granted shall be construed to impair any general grant of power herein contained. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repairs of the works affected by such indenture.

Powers of
board with
regard to the
financing of
such works
or projects.

In connection with the issuance of any such bonds for the purpose of paying in whole, or as supplemented by a grant as aforesaid from the United States of America or any instrumentality or agency thereof, the cost of any works or project, or in order to secure the payment of such bonds, the board shall have power:

To pledge
income.

(a) To pledge all or any part of the income, profit and revenue of such works or project, and all moneys received from the sale or disposal of water, use of water, water storage, or other service, and from the operation, lease, sale or other disposition of all or any part of such works or project, and to covenant to pay such income, profit and revenue into the appropriate water fund and sinking fund.

To covenant
against pledg-
ing income.

(b) To covenant against pledging all or any part of the income, profit and revenue of such works or project and all moneys received from the sale or disposal of water, use of water, water storage, or other service, and from the operation, lease, sale or other disposition of all or any part of such works or project.

To covenant
against
mortgaging.

(c) To covenant against mortgaging all or any part of such works or project, or against permitting or suffering any lien thereon.

(d) To covenant to fix and establish such prices, rates and charges for water and other services made available in connection with such works or project so as to provide at all times funds which will be sufficient, (1) to pay all costs of operation and maintenance of such works or project together with necessary repairs thereto, and (2) to meet and pay the principal and interest of all such bonds as they severally become due and payable, and (3) to create such reserves for the principal and interest of all such bonds and for the meeting of contingencies in the operation and maintenance of such works or project as the board shall determine; and to make such further covenants as to such prices, rates and charges as the board shall determine.

To covenant to fix and establish prices, rates, etc.

(e) To create special funds, in addition to those required by this Act, for moneys reserved for principal and interest on bonds and/or for the meeting of contingencies in the operation and maintenance of such works or project and to determine the manner in which, and the depository or depositories in which, such funds shall be deposited and the manner in which the same shall be secured, and it shall be lawful for any bank or trust company incorporated under the laws of the state to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the board.

To create special funds.

(f) To provide for the replacement of lost, destroyed or mutilated bonds.

To replace bonds.

(g) To covenant against extending the time for the payment of the principal or interest on any of such bonds, directly or indirectly by any means or in any manner.

To covenant against extending time for payment of bonds.

(h) To prescribe and covenant as to the events of default and terms and conditions upon which any or all of such bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived.

To prescribe and covenant as to defaults.

(i) To covenant as to the rights, liabilities, powers, and duties arising upon the breach by it of any covenant, condition, or obligation.

To covenant as to breaches of contract.

To vest in trustees the right to enforce covenants.

(j) To vest in a trustee or trustees the right to enforce any covenant made to secure or to pay such bonds, or to foreclose any trust indenture in relation thereto, to provide for the powers and duties of such trustee or trustees, to limit the liabilities thereof, and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any such covenant or exercise the right of foreclosure.

To do all things necessary to make bonds marketable.

(k) To make such covenants and do any and all such acts and things as may be necessary or convenient or desirable in order to secure such bonds, or, in the absolute discretion of the board, to make such bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated or expressly authorized herein.

All powers granted not inconsistent with the Constitution.

(l) It being the intention hereof to give the board power to do all things in the issuance of such bonds, and in providing for their security that may not be inconsistent with the Constitution of Montana."

Amending clause by adding a section.

Section 4. That the following section to be designated as Section 8A be added to Chapter 35, of the Acts of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana, after Section 8 thereof:

Board may mortgage or convey in trust any project or works as security for bonds.

"Section 8A. **Mortgage of Board.** In the discretion of the board any trust indenture executed by it as security for a series of such bonds may contain provisions for conveying in trust or mortgaging the works, the project, or any part of such works or project (including all water rights which are a part thereof), constructed with the proceeds of such bonds or with such proceeds as supplemented by the proceeds of a grant to aid in financing such construction from the United States of America or any instrumentality or agency thereof, and may be in such form, and with such rights, remedies and provisions as is customary in trust indentures, deeds of trust, and mortgages securing bonds and/or debentures of corporations. Any purchaser at any sale of any works or project pursuant to a judgment or decree in an action to foreclose a trust indenture conveying in trust or mortgaging any works or project shall obtain title to such works or project free from any trust or other obligation

What shall be obtained from foreclosure sale.

of the board, the State of Montana, or the public thereof, as to its operation, maintenance, use or disposition except the obligation to use all water impounded in such works or project for sale, rental, distribution, or other beneficial use."

Section 5. That the following section to be designated Section 21A be added to Chapter 35, of the Acts of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana, after Section 21 thereof:

Amending clause by adding a section.

"Section 21A. **Board a Body Corporate.** The State Water Conservation Board shall be a body corporate and politic with perpetual existence, and as such, it shall be deemed to be an agency of the State of Montana."

Legal status of board

Section 6. That the following section to be designated Section 21B be added to Chapter 35 of the Acts of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana after Section 21A thereof:

Amending clause by adding a section.

"Section 21B. **Sale of Waterworks and Water Therefrom.** In addition to the powers conferred hereby upon the State Water Conservation Board to sell, lease and otherwise dispose of waters for the purpose of irrigation, development of power, watering of stock, or other purposes, the board shall have power to sell, lease and otherwise dispose of waters from its waterworks systems for public, domestic, industrial and other uses and for fire protection. The board is empowered to sell or otherwise dispose of any such waterworks system which is not operated for the purpose of irrigation or development of power, after the discharge of all of the bonds issued by the board to finance the construction or acquisition thereof and of all interest thereon and costs and expenses incurred in connection with any action or proceeding by or on behalf of the holders of such bonds; provided, however, that no such sale or other disposition shall be made except to a municipality, political subdivision, authority or other public body of the state."

Power to sell, lease or dispose of water.

Board may sell or dispose of waterworks system when.

To whom sale may be made.

Section 7. **Provisions of This Act Severable.** The sections and provisions of this Act and the Act amended hereby are severable and are not matters of mutual essential inducement, and it is the intention to confer the

Saving clause.

whole or any part of the powers provided for in this Act and the Act amended hereby and if any section or provision or part of such Acts is for any reason held to be unconstitutional, void or inoperative, it is the intention that the remaining sections and provisions and parts of such Act shall remain in full force and effect.

**Emergency
clause.**

Section 8. **Emergency.** Because of the inability of thousands of citizens throughout the state to find employment and to support themselves and their families in the present depression, and because of serious crop failures resulting from unprecedented drought conditions, it is necessary to proceed immediately with the construction of the works authorized by this Act in order to create employment, assist the growing of crops and prevent irreparable injury to the people of the state so that the public peace, health and safety can be preserved immediately. An emergency is hereby declared to exist, and this Act shall not be subject to the referendum, and shall be in full force and effect from and after its passage and approval.

**Repealing
clause.**

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1935.

CHAPTER 96

An Act to Provide for the Cooperation and Coordination by the State and the Governmental Units Thereof, and to Encourage State and National Industrial Recovery by Cooperation With the National Government in Aid of Effectuating the Objects and Purposes and Benefits of Such National Legislation Whereby Moneys, Funds and Resources Are Made Available to Promote the Rehabilitation of Agriculture, Trade and Industry; Furnish Relief for Unemployment by Authorizing the State Water Conservation Board to Make Loans and Accept Grants From the President or Any and All Departments or Agencies of the United States for Flood Con-

trol Projects, Irrigation Systems and Projects, Conservation, Maintenance and Operation of Projects in the Reclamation of Lands Within the State, Electrification, Rehabilitation, or Any Other Public Work of a Beneficial Character; to Accept From Private Owners Deeds or Other Instruments of Trust Relating to Land, Improve and Sell the Same; to Execute and Perform Agreements and Contracts Relating to the Construction and Financing of Such Projects by Any Department or Agency of the United States, to Issue Revenue Bonds Payable Out of the Revenues Derived From Any Project or System of Irrigation, Electrical Service or Other Public Works; and Conferring Additional Authority, Power and Duty Upon the Water Conservation Board of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For more than five years a state-wide emergency and economic depression, productive of widespread agricultural collapse, unemployment and disorganization of trade and industry, which burdens commerce, affects the public welfare and undermines the standard of living of the people in this state is hereby declared to exist and it hereby is recognized that such an emergency exists throughout this state and the nation.

Declaration
of the exist-
ence of an
emergency.

Section 2. The Congress of the United States of America has heretofore enacted statutes designed to promote the rehabilitation of agriculture, of trade and industry and furnish relief to unemployment from the economic depression prevailing throughout the United States, including the State of Montana, and has provided moneys, funds and resources authorized to be employed for objects, purposes and terms designated by the terms of such statutes of the United States, and it is hereby declared to be the policy of the State of Montana, to provide for the general welfare by cooperating with and assisting the National Government, to effectuate the objects, purposes and benefits of such national legislation in promoting the rehabilitation of agriculture, trade and industry through conservation and development of natural resources and electrification; resuscitation and revival of the mineral industry; in promoting the organization of industry for the purpose of cooperative action among

Policy of the
state declared.

trade groups; to increase the consumption of industrial and agricultural products; to reduce and relieve unemployment; to improve living conditions and standard of labor; to provide for the construction of useful public works and otherwise to rehabilitate industry and conserve natural resources and otherwise as announced by the Acts of the Congress of the United States.

State Water Conservation Board given power to effectuate the purpose of this Act.

Section 3. The State Water Conservation Board created by the Extraordinary Session of the Twenty-third Legislative Assembly hereinafter called the board shall in addition to the powers, authority and duties heretofore conferred by law, have the power and authority to cooperate with the Federal Government or any board or agency thereof, and to avail itself of any authority of Federal laws, rules and regulations, in relation to and in connection with the provisions of the statutes of the United States enacted by the Congress of the United States designed to promote flood control, rehabilitation of agriculture, of trade and industry through projects designed to furnish relief to unemployment; to provide electrical and other services and generally to promote rehabilitation of the people of the State of Montana, when any such project or proposal shall be approved and adopted by both the Federal Government and said board and to fully carry out the purposes and objects of this Act.

To cooperate with the Federal Government.

Board authorized to make rules and regulations, to enter into agreements with U. S., to issue bonds and to undertake a program of public works.

Section 4. In order to effectuate and carry out the declared policy of this Act and to enable this state to avail itself of the provisions of the Acts of Congress to cooperate with the President of the United States, any department, board or agency thereof, the said board is hereby vested with power and authority to make rules and regulations for the carrying out of the declared policy of this state and the provisions of this Act, and to enter into agreements with the President of the United States, any department, board or agency thereof as may be prescribed and to issue "Revenue Bonds" and to accept grants in addition thereto for such projects; execute and deliver such instruments in writing, to undertake a program of public works which may include among other things the following:

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| <p>(a) Construction of reservoirs, irrigation and drainage systems or projects and flood control projects and works.</p> | <p>Irrigation, drainage and flood control projects.</p> |
| <p>(b) The construction, maintenance and/or operation of any projects of any character eligible for loans under the provisions of the Acts of Congress, not otherwise provided with satisfactory agencies for cooperation with the Federal Government in such work.</p> | <p>Other projects for which Federal loans may be granted.</p> |
| <p>(c) To acquire land, construct, maintain and operate works and systems for the conservation and development of natural resources.</p> | <p>Acquire land, conserve resources.</p> |
| <p>(d) To accept from any Federal agency grants for and in aid of the carrying out of the purposes of this Act and of any Acts of Congress.</p> | <p>Accept grants from Federal agencies.</p> |
| <p>(e) To make contracts and execute instruments containing such terms, provisions, and conditions as in the discretion of the board may be necessary, proper or advisable for the purpose of obtaining grants or loans, or both, from any Federal agency pursuant to or by virtue of any and all Acts of Congress; to make all other contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of any public works project and to carry out and perform the terms and conditions of all such contracts or instruments.</p> | <p>Make contracts and execute instruments.</p> |
| <p>(f) To subscribe to and comply with any and all applicable Acts of Congress and regulations made by any Federal agency with regard to any grants or loans, or both, from any Federal agency.</p> | <p>Comply with Acts of Congress relative to grants and loans.</p> |
| <p>(g) To perform any acts authorized under this Act through, or by means of its own officers, agents and employees, or by contracts with corporations, firms or individuals.</p> | <p>Carry out Act.</p> |
| <p>(h) To construct any projects or public works by contract or otherwise as prescribed by Act of Congress or by any rules or regulations thereunder.</p> | <p>Construct projects or public works.</p> |
| <p>(i) To sell bonds at private sale to any Federal agency without any public advertisement.</p> | <p>Sell bonds.</p> |
| <p>(j) To issue interim receipts, certificates or other temporary obligations, in such form and containing such</p> | <p>Issue temporary or interim documents.</p> |

terms, conditions and provisions as the board may determine, pending the preparation or execution of definitive bonds for the purpose of financing the construction of projects provided by any of the Acts of Congress.

Issue bonds.

(k) To issue bonds bearing the signatures of officers in office on the date of signing such bonds, notwithstanding that before delivery thereof any or all the persons whose signatures appear thereon shall have ceased to be the officers of the board.

Costs to be included in cost of project.

(l) To include in the cost of any project:

1. All organization costs;
2. Engineering, plans, specifications, surveys, estimates of costs, inspection, accounting, fiscal and legal expenses;
3. The cost of issuance of the bonds, including engraving, printing, advertising and other similar expenses;
4. Any interest costs during the period of construction of projects, and for not exceeding three years thereafter on money borrowed or estimated to be borrowed.
5. The proper proportionate amount of administrative costs of the board as may be determined.

Exercise powers of Act independently or in conjunction with other laws.

(m) To exercise any power conferred by this Act for the purpose of obtaining grants or loans, or both, from any Federal agency pursuant to or by virtue of any and all Acts of Congress, independently or in conjunction with any other power or powers conferred by this Act or heretofore or hereafter conferred by any other law.

Contract debts, borrow money and issue bonds.

(n) To contract debts for the construction and operation of any system or project, to borrow money, and to issue its revenue bonds to finance such construction, and to provide for the rights of the holders of the bonds and to secure the bonds as herein provided.

Accept deeds from private land owners.

(o) To accept from private owners deeds or other instruments of trust relating to land and to subdivide, improve and sell such lands.

Select lands for development.

(p) To investigate and select for settlement suitable areas of undeveloped lands in this state suitable for settlement.

(q) To make on any lands such improvements as may be necessary to render the same habitable and productive.

Make improvements on lands.

(r) To purchase and acquire lands in cooperation with the United States under such conditions as may be deemed advisable for the purpose of this Act, and to convey the same under such conditions, terms and restrictions as may be approved by the board and the Federal Government or any of its authorized agencies.

Purchase and convey lands.

(s) To purchase rights-of-way and pay construction costs in connection with any projects contemplated by this Act either from its own funds or cooperatively with the Federal Government.

Purchase rights-of-way and pay construction costs.

(t) To make investigations and surveys of natural resources and of opportunities for their conservation and development and pay the costs of the same either from its own funds or cooperatively with the Federal Government.

Investigate and survey natural resources.

(u) To fix, maintain and collect fees, rents, tolls and other charges for service rendered.

Charges.

(v) To appoint and fix salaries and duties of officers, experts, agents and employees as it deems necessary, to hold office during the pleasure of the board, as it may require.

Officers and employees.

(w) To perform any and all of the foregoing acts and to do any and all of the foregoing things under, through or by means of its own officers, agents and employees or by contract with any person, Federal agency or municipal political subdivision of this state.

Perform any and all of the above.

(x) To delegate to one or more of its members or its agents and employees such powers and duties as it may deem proper.

Delegation of powers or duties permissible.

(y) To do any and all acts and things herein authorized or necessary to carry out the powers expressly given in this Act, independently or in conjunction with any other power or powers conferred by this Act or heretofore or hereafter conferred by any other law.

General power clause.

Section 5. The board is hereby authorized to consent that the President of the United States may utilize such state and local officers and employees of the State of

Board may authorize use of state officers by Federal Government.

Montana, and of its subdivisions, as the board may designate in effectuating the policies of the Federal Government in carrying out the provisions of the Acts of Congress.

State officers
and offices to
cooperate
with board.

Section 6. The board is hereby authorized to require the assistance, cooperation and services of, and the use of the records and files in all the departments and institutions of the state, and all state officers and the governing authorities of all state institutions are hereby directed to cooperate with the board in furthering the purposes of this Act.

Agreements,
how executed.

Section 7. All agreements, contracts, deeds, indentures, bonds or instruments necessary to be executed shall be executed in the name of the board by its chairman and attested by the secretary.

Power to issue
"Revenue
Bonds."

Section 8. The board shall have and is hereby given the authority to issue "Revenue Bonds" in accordance with the terms, provisions and conditions of the Act of the Extraordinary Session of the Twenty-third Legislative Assembly, creating said board to which reference is hereby made and to the same effect as if herein fully written. Such bonds shall not be a debt, liability or obligation of the State of Montana, and shall be secured only by the revenue of such works or projects and the funds received from the sale or disposal of any such works or projects to be required out of the proceeds of such bonds.

Not to be a
liability
of state.

Powers addi-
tional and
supplemental.

Section 9. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law and not in substitution for the powers conferred by any other law. Bonds may be issued hereunder for any project, system or works notwithstanding that any other law may provide for the issuance of bonds for like purposes and without regard to the requirements, restrictions or procedural provisions contained in any other law except the provisions of the Act of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana, entitled: "An Act Providing for the Creation of the State Water Conservation Board; Prescribing Its Powers and Duties; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and

Bonds to be
issued not-
withstanding
other laws.

Act creating
State Water
Conservation
Board to be
considered
when issu-
ing bonds.

Utilization of Water, and for the Acquisition of Property Necessary Therefor; Authorizing the Issuance of Water Conservation Revenue Bonds of the State Payable Solely From the Revenues of Such Works and the Funds Received From the Sale or Disposal of Water and From the Operation, Lease, Sale or Other Disposition of the Works, Property and Facilities to be Acquired Out of the Proceeds of Such Bonds; Providing for a Lien Upon Bond Proceeds; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection With This Act; Providing for Contracts With the United States; Declaring That no Debt of the State Shall be Incurred in the Exercise of Any of the Powers Granted by This Act; Providing for Purchase Condemnation; and Otherwise Acquiring Lands and Water Rights and for the Sale Thereof; Making an Appropriation; Repealing Chapter 155, of the Session Laws of 1931; and Declaring an Emergency." Any proceedings heretofore taken by the board relating to the subject matters of this Act, whether or not commenced under any other law, may be continued under this Act, or, at the option of the board, may be discontinued and new proceedings instituted under this Act.

Ratification
of prior acts
of board.

Section 10. It is the purpose of this Act to enable the State Water Conservation Board to secure the benefits of the Acts of Congress applicable thereto; to encourage public works, to reduce unemployment and thereby to assist in the national recovery and promote the public welfare, and to these ends the board shall have power to do all things necessary or convenient to carry out said purpose in addition to the power conferred in this Act. This Act is remedial in nature and the powers hereby granted shall be liberally construed.

Purpose of
Act stated.

Section 11. If any provision of this Act, or the application of such provision to any person, body, or circumstance shall be held invalid, the remainder of this Act, or the application of such provision to persons, bodies, or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Saving
clause

Section 12. Because of the inability of thousands of citizens throughout the state to find employment and to support themselves and their families in the present de-

Emergency
clause.

pression, it is necessary that the powers conferred by this Act be exercised immediately in order to create employment and prevent irreparable injury to the people of the state so that the public peace, health and safety can be preserved immediately. An emergency is hereby declared to exist and this Act shall not be subject to referendum and shall be in full force and effect from and after its passage and approval.

Emergency
still exists.

Section 13. The emergency situation resulting from the unprecedented economic depression, as found and declared in Chapter 24, Extraordinary Session Laws of 1933-34, still exists and is acute and therefore this Act shall take effect from and after its passage and approval.

Approved March 7, 1935.

CHAPTER 97

An Act to Permit the State of Montana and the Counties of Such State to Cooperate With the State Water Conservation Board in the Construction of Water Conservation Projects Within the State of Montana, and to Permit the Purchase of Water and/or Water Rights for Use on State Lands, School Lands, and Lands Owned by Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose
of Act.

Section 1. WHEREAS, the State Water Conservation Board is engaged in negotiations with the Government of the United States for the construction of water conservation works within the State of Montana, and whereas, certain projects will be constructed by the State Water Conservation Board of the State of Montana with funds to be advanced through agencies of the United States, and whereas, among the lands to be benefited by irrigation from said projects are included certain state lands and county lands, and it is desirable that such lands may receive the benefits therefrom;

Any state
board, agency
or any county
having juris-
diction over
land may
contract with
the State
Water Board
for water for
such lands.

Section 2. The State Land Board and/or the State Board of Examiners and/or the State Board of Education or any other board or agency of the State of Montana and/or Boards of County Commissioners having jurisdiction over any lands which may require the use of any water or water rights owned or controlled by the

State Water Conservation Board or the United States or its agencies, are hereby authorized to enter into such contracts as are necessary with the State Water Conservation Board, the United States, or agencies of the United States, or others, for the purchase of water or water rights needed for such lands, and may enter into any contracts as necessary or expedient, similar to contracts executed by individuals or others, to secure for the state, state institutions, counties and state school and county lands the benefits of such water or water rights, which obligations may be similar to those of persons who become stockholders in corporations or who may agree to purchase and pay for water for irrigation purposes, which agreements may include agreements that the state and counties shall be subject to the same charges and payments as are other water users within such projects, provided, however, that none of such charges, payments or costs shall constitute a lien against the state's interest in the said lands.

State and county to be subject to same charges as others.

Section 3. The obligations provided for in this Act to be incurred upon behalf of the counties and the state shall not be in the nature of general obligations by either said counties or the State of Montana but shall constitute liens only upon such water or water rights purchased for the benefit of such lands.

Nature of obligations.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1935.

CHAPTER 98

An Act Creating the Electrification Authority of Montana for the Purpose of Promoting and Encouraging the Fullest Possible Use of Electric Energy in the State by Making Electric Energy Available to Inhabitants of the State at the Lowest Cost Consistent With Sound Economy and Prudent Management; Authorizing the Authority to Buy, Sell and Distribute Electric Energy

and to Construct or Otherwise Acquire a System or Systems for the Transmission and Distribution of Electric Energy to Carry Out the Purposes of This Act; Providing for the Rights, Powers and Duties of the Authority; Authorizing and Regulating the Issuance of Bonds by the Authority; Providing for the Payment of Such Bonds and the Rights of the Holders Thereof; and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

- Title.** Section 1. **Short Title.** This Act may be cited as the "State Electrification Authority Act."
- Definitions.** Section 2. **Definitions.** The following terms, whenever used in this Act, shall have the following meanings, unless a different meaning clearly appears from the context:
- "Authority."** (a) "Authority" shall mean the State Water Conservation Board.
- "Bonds."** (b) "Bonds" shall mean and include negotiable bonds, interim certificates or receipts, notes, debentures and all other evidences of indebtedness either issued or the payment thereof assumed by the authority.
- "Acquire."** (c) "Acquire" shall mean and include construct, acquire by purchase, lease, devise, gift or the exercise of the right of eminent domain in the manner now or hereafter provided by law for the exercise thereof by the state, or other mode of acquisition.
- "Person" or "Inhabitant."** (d) "Person" or "Inhabitant" shall mean and include natural persons, firms, associations, corporations, business trusts, partnerships and bodies politic.
- "Energy."** (e) "Energy" shall mean and include any and all electric energy no matter how generated or produced.
- "System."** (f) "System" shall mean and include any plant, works, system, facilities, or properties, together with all parts thereof and appurtenances thereto, used or useful in connection with the transmission or distribution of energy.
- "Law."** (g) "Law" shall mean any Act or statute, general, special or local of the state.

- (h) "State" shall mean the State of Montana. "State."
- (i) "Legislature" shall mean the Legislative Assembly of the State. "Legislature."
- (j) "Municipality" shall mean any city or town of the state. "Municipality."
- (k) "Federal Agency" shall mean and include the United States of America, the President of the United States of America, the Federal Emergency Administrator of Public Works, and any and all other authorities, agencies, and instrumentalities of the United States of America, heretofore or hereafter created. "Federal Agency."
- (l) "Improve" shall mean and include construct, reconstruct, improve, repair, extend, enlarge or alter. "Improve."
- (m) "Service" shall mean and include the sale or other disposition of energy at the lowest cost consistent with sound economy, public advantage and the prudent conduct of the business of the authority. "Service."

Section 3. The State Water Conservation Board is hereby created as the State Electrification authority under the provisions of this Act. The powers of said board shall be exercised by a majority of the members of the board then in office. The provisions of the Chapter 35 of the Acts of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana shall govern the organization and compensation of the members of said board, except as otherwise herein provided. Water board to be state electrification authority.

Section 4. **Powers of Board.** The board shall have power to do all things necessary or convenient in conducting the business of the authority, including, but not limited to: Powers of the board.

(a) The power to adopt and amend by-laws for the management and regulation of its affairs and the business in which it is engaged;

(b) To use, with the consent of a municipality, the agents, employees or facilities of such municipality and to provide for payment of the agreed proportion of the cost therefor;

(c) To appoint officers, agents and employees and to fix their compensation;

(d) To inquire into any matter relating to the affairs of the authority, to compel by subpoena the attendance of witnesses and the production of books and papers material to any such inquiry, to administer oaths to witnesses and to examine witnesses and such books and papers;

(e) To appoint an advisory board to assist in the formation of proper policies in respect to the business of the authority;

(f) To execute instruments;

(g) To delegate to one or more of its members, or to its agents and employees, such powers and duties as it may deem proper.

Purpose of the authority.

Section 5. **Corporate Purpose of the Authority.** The corporate purpose of the authority is to encourage and promote the fullest possible use of energy by all of the inhabitants of the state by rendering service to said inhabitants, to whom energy is not available or, in the opinion of the board, is not available at reasonable rates.

Powers of authority.

Section 6. **Grant of Specific Powers.** The authority shall have power:

To sue.

(1) To sue and be sued.

To have a seal.

(2) To have a seal and alter the same at pleasure.

To render service.

(3) To render service to the inhabitants of the state and, by contract or contracts with any person, Federal agency or municipality or by its own employees, to acquire, own, operate, maintain and improve a system or systems.

To acquire and dispose of property.

(4) To acquire, hold and dispose of property, real and personal, tangible and intangible, or interests therein, in its own name, subject to mortgages or other liens or otherwise and to pay therefor in cash or on credit, and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as the board shall determine.

To have surveys made.

(5) To cause surveys to be made of areas throughout the state for the purpose of determining the economic soundness of the acquisition of a system or systems therein, to make plans and estimates of the cost of such

To make estimates of costs.

system or systems and in connection therewith to enter on any lands, waters and premises for the purpose of making such surveys, soundings and examinations.

(6) To have complete control and supervision of the system or systems and to make such rules and regulations governing the rendering of service thereby as, in the judgment of the board, may be just and equitable.

To control systems.

To make rules and regulations.

(7) To fix, maintain and collect rates and charges for service.

Rates and charges.

(8) To construct or place any part or parts of a system or systems across, in or along any street or public highway, over any lands which are now or may hereafter be the property of the state or any political subdivision thereof without obtaining any franchise or other permit therefor. The authority shall, however, restore any such street or highway to its former condition or state as near as may be and shall not use the same in a manner to unnecessarily impair its usefulness.

To construct over state lands without obtaining franchises or along streets and highways.

(9) To execute all instruments necessary or convenient, including, but not limited to, indentures of trust, leases, and bonds.

To execute instruments.

(10) To borrow money and issue negotiable bonds and to provide for the rights of the holders thereof.

To borrow money.

(11) To accept gifts or grants of money or property, real or personal, and voluntary and uncompensated services from any person, Federal agency or municipality.

To accept gifts or grants.

(12) To make any and all contracts with any person, Federal agency, municipality, unincorporated town or rural improvement district or authority necessary or convenient for the full exercise of powers herein granted, including, but not limited to, (a) contracts for the purchase or sale of energy, (b) contracts for the management and conduct of the business of the authority or any part thereof, and (c) contracts for the purchase or sale, lease or other disposition of water for the purpose of irrigation, watering of stock or any other purpose.

To make contracts with Federal and other agencies.

(13) To do any and all acts and things herein authorized or necessary or convenient to carry out the powers expressly given in this Act under, through or by

General power to carry out Act.

means of its own officers, agents and employees, or by contracts with any person, Federal agency or municipality.

Power to
issue bonds.

Section 7. Bonds of the Authority. The authority shall have power and is hereby authorized from time to time to issue its bonds in anticipation of its revenues, for any corporate purpose. Said bonds may be authorized by resolution or resolutions of the board, and may be issued in one or more series, may bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates, not exceeding six per centum per annum, payable semi-annually, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, be declared or become due before the maturity date thereof, as such resolution or resolutions may provide. Said bonds may be issued for money or property (at public or private sale for such price or prices) as the board shall determine, provided, that the interest cost to maturity of the money or property (at its value as determined by the board, the determination of which shall be conclusive) received for any issue of said bonds, shall not exceed six per centum per annum, payable semi-annually. Said bonds may be repurchased by the authority out of any available funds at a price not to exceed the principal amount thereof and accrued interest, and all bonds so repurchased shall be cancelled. Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchaser or purchasers of said bonds.

Character
of bonds.

Sale of.

Repurchase
of bonds
permissible.

Temporary
or interim
obligations.

Validity
of bonds.

Irregularity
of proceedings
not to affect.

Section 8. Validity of Bonds. Said bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers. The validity of said bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition or improvement of the system or systems for which said bonds are issued. The resolution

or resolutions authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Conclusive evidence of validity.

Section 9. **Bonds of Authority Not Debts of State.** No holder or holders of any bonds issued under this Act shall ever have the right to compel any exercise of taxing power of the state or of any political subdivision thereof to pay said bonds or the interest thereon. Each bond issued under this Act shall recite in substance that said bond, including the interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the state.

State not liable for bonds.

Bonds payable from revenue.

Section 10. **Rates.** The authority shall not be operated primarily as a source of revenue to the state. The authority shall, however, prescribe and collect reasonable rates, fees or charges for the services, facilities and commodities made available by it, and shall revise such rates, fees or charges from time to time whenever necessary so that the authority shall be and always remain self-supporting, and shall not require appropriations by the state to enable it to carry out its purpose. The rates, fees or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation, maintenance or improvement of the system or systems acquired by the authority, including reserves therefor.

Reasonable rates and charges to be made.

Rates shall pay expenses and retire bonds.

Section 11. **Agreement of the State.** The state does pledge to and agree with the holders of bonds issued by the authority that the state will not limit or alter the rights and powers hereby vested in the authority to fix and collect such rates, fees and charges as may be necessary or advisable in order to produce sufficient revenue to meet all expenses of maintenance and operation of its system or systems and to fulfill the terms of any agreements made with the holders of such bonds, or in any way impair the rights and remedies of the holders of such bonds, until such bonds together with interest

Agreement of state with holders of bonds not to alter authority.

thereon, and interest on any unpaid installments of interest, and all costs and expenses in connection with any suits, actions or proceedings by or on behalf of such bondholders are fully paid and discharged.

Powers for
the security
of bonds.

Section 12. **Security for Bonds.** In connection with the issuance of bonds or in order to secure the payment of its bonds, the authority incorporated under this Act shall have power:

(1) To pledge all or any part of its revenues.

(2) To vest in a trustee or trustees the right to enforce any covenant made to secure, to pay, or in relation to its bonds, to provide for the powers and duties of such trustee or trustees, to limit the liabilities thereof, and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any amount or proportion of them may enforce any such covenant.

(3) To make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or which, in the absolute discretion of the board, tend to make the bonds more marketable, notwithstanding that such covenants, acts and things may restrict or interfere with the exercise of the powers herein granted; it being the intention hereof to give the authority power to do all things in the issuance of bonds, and for their security, that a private business corporation can do under the general laws of the state.

Rights and
remedies
of holders
of bonds.

Section 13. **Rights and Remedies of Bondholders.** In addition to all other rights and all other remedies, any holders of bonds of the authority, including a trustee for bondholders, shall have the right by mandamus or other suit, action or proceeding, at law or in equity, to enforce his rights against the authority and the board of the authority, including the right to require the authority and such board to fix and collect rates and charges adequate to carry out any other covenants and agreements with such bondholder and to perform its and their duties under this Act.

Force the
board to fix
rates adequate
to pay bond.

Assets to pass
to state, when.

Section 14. **Assets to Pass to State.** In the event that the authority shall cease to exist, all of its assets remain-
ing after all of its obligations and liabilities have been

satisfied or discharged shall pass to and become the property of the state.

Section 15. **Act Complete in Itself.** This Act is complete in itself and shall be controlling. The provisions of any other law, general, special, except as provided in this Act, shall not apply to the authority created by this Act.

Construction
of Act.

Section 16. **Separability.** If any provision of this Act, or the application of such provision to any person, body, or circumstance shall be held invalid, the remainder of this Act, or the application of such provisions to persons, bodies, or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Saving
clause.

Section 17. **Emergency; Time of Taking Effect.** This is hereby deemed and declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Emergency
clause.

Approved March 7, 1935.

CHAPTER 99

An Act Validating, Ratifying, Approving and Confirming Elections Heretofore Held by Public Bodies of the State of Montana Authorizing the Creation of Indebtedness and the Issuance of Bonds to Finance Public Works Projects.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This Act may be cited as "The 1935 Election Validating Act."

"Title."

Section 2. The following terms, wherever used or referred to in this Act, shall have the following meaning:

Definitions.

(a) The term "Public Body" shall include a county, city, town, rural improvement district and school district of the State of Montana.

"Public Body."

(b) The term "Bonds" shall include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim

"Bonds."

certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money.

Validation of elections to create indebtedness or issue bonds to finance projects where Federal aid is requested.

Section 3. Each and every election heretofore held by any public body for the purpose of incurring any indebtedness or liability in any manner, or for any purpose, at which at least a majority of the qualified electors of such public body voting at such election assented to the creation of indebtedness or the issuance of bonds to finance any work, undertaking or project in aid of the financing of which the United States of America, through the Federal Emergency Administrator of Public Works, has heretofore allotted, made, or agreed to make, or shall hereafter allot, make, or agree to make, a loan or grant or both, is hereby validated, ratified, approved and confirmed, notwithstanding any error, defect, omission, or irregularity in the notice or conduct of such election, the registration therefor, or any of the statutory proceedings relating thereto; and the bonds issued pursuant to such election shall be valid, legal, binding and enforceable obligations of the issuing public body.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1935.

CHAPTER 100

An Act Prescribing the Fees and Charges to be Made by the Public Service Commission in Connection With the Filing of Reports and Other Documents; and Presenting the Reports to be Made by Certified Motor Carriers, and the Fees to be Paid by Them to Said Commission in Connection With the Regulation of Such Carriers; and Providing for the Inclusion of Such Fees in the Motor Carrier Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Fees of the Public Service Commission.

Section 1. **Fees Required for Filing Various Documents.** The Public Service Commission of Montana shall, except as otherwise provided by law, require and re-

ceive fees before filing any annual reports, tariffs, schedules and supplements thereof and shall require and receive fees for all copies of orders, documents, classifications, blank forms and other instruments prepared by it or on file in the office thereof, except as otherwise provided by law to be furnished free of charge, in accordance with the following schedule:

Filing annual reports, each	\$5.00
Filing tariffs, time schedules and supplements thereto, each	2.00
For issuing certificates of public convenience and necessity to motor carriers, each.....	2.00
Classification for public utilities, each.....	1.50
Classification for motor carriers, each.....	.50
For copy of rules and regulations for motor carriers, each	.25
Blank forms of annual reports for utilities and common carriers	Cost

Nothing herein contained shall be construed to require or authorize the Public Service Commission to collect fees for the filing of any annual reports, tariffs, schedules and supplements thereof which relate solely to interstate commerce.

Reports relating to interstate commerce not subject to filing fees.

Section 2. Additional Fees. In addition to all other licenses, fees and taxes imposed upon motor vehicles in this state and in consideration of the use of the highways of this state, every motor carrier holding a certificate of public convenience and necessity issued by the Public Service Commission, shall between the first and fifteenth days of January, April, July and October of each year, file with the Public Service Commission a statement showing the gross operating revenue of such carrier for the preceding three months of operation, or portion thereof, and shall pay to the board a fee of one-half of one per cent of the amount of such gross operating revenue; provided, however, that the minimum annual fee which shall be paid by each Class A and Class B carrier for each vehicle registered and/or operated under the provisions of the Motor Carrier Act shall be Thirty Dollars (\$30.00)

Fee charged motor carriers.

Paid quarterly.

½ of 1% of gross operating revenue.

Minimum fees.

and the minimum annual fee which shall be paid by each Class C carrier for each vehicle registered and/or operated under the Motor Carrier Act shall be Fifteen Dollars (\$15.00).

Disposition
of fees.

Section 3. **Disposition Made of Fees.** All fees collected from motor carriers shall be, by the commission, paid into the State Treasury and shall be, by the State Treasurer, placed to the credit of the motor carrier fund. All other fees and charges collected by the commission under the provisions of this Act shall be by the commission paid into the State Treasury and shall be by the State Treasurer placed to the credit of a fund to be known as the "Public Service Commission Fund", and the general and contingent expenses of the Public Service Commission shall be by the State Treasurer paid out of said Public Service Commission Fund upon presentation of duly verified claims therefor, which claims shall have been approved by the commission and audited by the State Board of Examiners.

Public Service
Commission
fund.

Repealing
clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1935.

CHAPTER 101

An Act Relating to the Time for Filing a Claim With the Employer, the Insurer, or the Industrial Accident Board, Under the Workmen's Compensation Act, in Case of Personal Injury to Any Public Officer Connected With, or Engaged in, a Hazardous Occupation, and in Case of Personal Injury to a Person Who, When Such Injury Occurred, was a Public Officer Connected With, or Engaged in, a Hazardous Occupation.

Be it enacted by the Legislative Assembly of the State of Montana:

Limitation
on time for
filing a claim
with the
Industrial
Accident Board
in the case
of public
officers.

Section 1. Any public officer connected with, or engaged in, a hazardous occupation, and who has been injured at any time since August 1, 1932, and any person who has been injured at any time since August 1, 1932, and who, when such injury occurred, was a public officer

connected with, or engaged in, a hazardous occupation, shall have not to exceed three years from the date of the happening of the accident resulting in such personal injury to him, to present his verified claim to his employer, the insurer, or the Industrial Accident Board, as the case may be, under the Workmen's Compensation Act. Any claim not presented within such time shall be forever barred.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1935.

CHAPTER 102

An Act to Provide for the Submission to the Qualified Electors of the State of Montana of an Amendment to Article XVI of the Constitution of the State of Montana by Adding Thereto a Section to be Known as Section 8 Prohibiting the Abandonment, Abolition, and/or Consolidation of Counties in Whole or in Part or at All Except by a Majority Vote of the Duly Qualified Electors in the County or Counties Proposed to be Abandoned, Abolished and/or Consolidated.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Article XVI of the Constitution of the State of Montana be amended as hereinafter provided, and that said amendment be submitted to the qualified electors of the State of Montana at the next biennial regular general election to be held in said state. Constitutional amendment to Art. XVI.

Section 2. That Article XVI of the Constitution of the State of Montana be and the same is hereby amended by adding thereto a section to be known as Section 8 to read as follows: Amending clause.

“Section 8. Any county or counties in existence on the first day of January, 1935, under the laws of the State of Montana or which may thereafter be created or established thereunder shall not be abandoned, abol- Abandonment, abolition or consolidation of counties require majority vote of electors.

ished and/or consolidated either in whole or in part or at all with any other county or counties except by a majority vote of the duly qualified electors in each county proposed to be abandoned, abolished and/or consolidated with any other county or counties expressed at a general or special election held under the laws of said state."

Form of
ballot.

Section 3. The regular official ballot provided for by Section 678, R. C. M. 1921, to be used at the election specified in Section 1 of this Act shall have printed thereon: "AMENDMENT TO PROHIBIT CONSOLIDATIONS OF COUNTIES EXCEPT BY VOTE OF THE PEOPLE OF EACH COUNTY AFFECTED", followed by all of said Section 2 of this Act. That there shall also be printed on said official ballots below the said section, squares and the words following:

☐

For the Amendment.

☐

Against the Amendment.

Each elector shall designate his preference by marking an X in the square before the proposition for which he desires to vote."

Amendment
shall be in
effect upon a
majority vote.

Section 4. The votes cast for and against the said amendment at the said biennial regular general election shall be canvassed and counted as provided by the general election laws of the State of Montana and if a majority of all votes cast at said election for and against said amendment shall be in favor of the amendment the Governor of the state shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as a part of the constitution from and after the date of said election.

Repealing
clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1935.

CHAPTER 103

An Act to Amend Section 9122 of the Revised Codes of Montana, 1921, Relating to Proof of Service of Summons and Complaint—How Made.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9122 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 9122. **Proof of Service of Summons and Complaint—How Made.** Proof of the service of summons and complaint must be as follows:

Proof of service of summons and complaint.

1. If served by the Sheriff, his certificate thereof;
2. If by any other person, his affidavit thereof; or,
3. In case of publication, the affidavit of the printer or publisher of the newspaper, or his foreman or principal clerk, showing the same; and an affidavit of a deposit of a copy of the summons and complaint in the postoffice, if the same has been deposited; or,
4. The written admission of the defendant. In case of service otherwise than by publication, the certificate or affidavit must state the time and place of service.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 11, 1935.

CHAPTER 104

An Act to Amend Section 4592 of the Revised Codes of Montana of 1921, as Amended by Section 3 of Chapter 133, of the Session Laws of the Twenty-first Legislative Assembly Relating to Rural Improvement Districts and Providing for the Maintenance and Preservation of Improvements Within Such Improvement Districts,

by Contract or Otherwise, in Such Way or Manner as the Board of County Commissioners Shall Deem Suitable and Proper.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 4592 of the Revised Codes of Montana of 1921, as amended by Section 3 of Chapter 133, of the Session Laws of the Twenty-first Legislative Assembly, be, and the same is hereby amended to read as follows:

Duty of Board
of County
Commissioners
to maintain
and preserve
improvements.

Cost of
maintaining,
how paid.

Duty of board
to estimate
cost of
maintaining.

Resolution
assessing
all property.

Resolution,
how prepared
and certified.

“Section 4592. **Maintenance of Improvements—Resolution—Change in Maintenance Districts.** Whenever any sanitary or storm sewers, lights or light systems, water-works plants, water systems, or sidewalks, or any other special improvements petitioned for, or created by the State or Federal Government, have been made, built, constructed, erected or accomplished as in this Act provided, it is hereby made the duty of the Board of County Commissioners, under whose jurisdiction the district was created or supervised or directed, adequately and suitably to maintain and preserve said improvements and fully to keep the same in proper repair and operations by contract or otherwise, in such way or manner as the board shall deem suitable and proper. The whole cost of maintaining, preserving and repairing of said improvements in any improvement district shall be paid by assessing the entire district in the method provided for by Section 4576 of this Code. It shall be the duty of the board to estimate as near as practicable the cost of maintaining, preserving or repairing the improvements in each district for each year beginning January first or such other time as it may appear necessary; and before the first Monday in September of each year the board shall pass and finally adopt a resolution levying and assessing all the property within the district within an amount equal to the whole cost of maintaining, preserving or repairing said improvements within the district, and the same shall be proportioned as provided in Section 4576, *supra*. Said resolution levying assessments to defray the cost of maintenance, preservation or repairs of such improvements shall be prepared and certified to in the manner as near as may be to a resolution levying assessments for making, constructing and installing the improvements in said

special improvement districts, and the money collected therefor shall be paid into a fund known as Special Improvement District No.....Maintenance Fund, the number of which shall correspond with the number of special improvement district in which the improvements so maintained are situated; and such fund shall be used to defray the expense of maintenance, preservation or repair of said improvements, and for no other purpose. Any special assessment levied and made for any of the purposes in this section mentioned, together with all costs and penalties, shall constitute a lien upon and against the property upon which said assessment is made and levied from and after the date of the final passage and adoption of the resolution levying the same, which lien can only be extinguished by payment of such assessment, with all penalties, costs and interest.

Disposition
of moneys
collected.

Assessment
to be lien
against
property.

The board shall have the power not more than once a year of changing, by resolution, the boundaries of any maintenance district."

Change of
boundaries
of district.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 11, 1935.

CHAPTER 105

An Act Amending Section 19 of Chapter 181 of the Session Laws of the Twenty-third Legislative Assembly of Montana of 1933, Relating to Income Tax Returns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 19 of Chapter 181 of the Session Laws of the Twenty-third Legislative Assembly of 1933, be, and the same is hereby amended to read as follows:

Amending
clause.

"Section 19. Returns shall be made to the board on or before the fifteenth day of the fourth month following the close of the fiscal year, or, if the return is made

When income
tax returns
shall be filed.

Extensions,
when granted.

Affidavit of
person making
return.

Minimum
tax of \$1.00.

on the basis of the calendar year, then the return shall be made on or before the fifteenth day of April in each year. The board may grant a reasonable extension of time for filing returns whenever in its judgment good cause exists and shall keep a record of every such extension and the reason therefor. Except in the case of persons who are abroad, no such extension shall be granted for more than six (6) months. Such returns shall set forth such facts as the board may deem necessary for the proper enforcement of this Act. There shall be annexed to such return the affidavit or affirmation of the persons making the return, to the effect that the statements contained therein are true. Blank forms of return shall be furnished by the board upon application, but failure to secure the form shall not relieve any taxpayer from the obligation of making any return herein required; provided, that every taxpayer liable for a tax under this law shall pay a minimum tax of One Dollar (\$1.00).''

Section 2. This Act shall be in full force and effect from and after December 31, 1935.

Approved March 11, 1935.

CHAPTER 106

An Act to Regulate the Deposit of Public Moneys of Counties, Cities and Towns and Authorizing the Acceptance of Cashier's Checks of Federal Reserve Banks as Security for Such Deposits.

Be it enacted by the Legislative Assembly of the State of Montana:

Cashier's
checks of
Federal
Reserve Bank
to be accepted
as security
for public
deposits.

Section 1. From and after the passage and approval of this Act, it shall be lawful for county, city or town officials charged by law with the duty of requiring security from depositories of their several public funds, to accept from such depository bank as security for such deposits, or any part thereof, cashier's checks issued to such depository bank by any Federal Reserve Bank.

Supplementary
to Section 4767
R. C. M. 1921.

Section 2. This Act shall be deemed to be supplementary to the provisions of Section 4767, Revised Codes of

Montana, 1921, as amended by Chapter 23 of the Acts of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana of 1933-34, and shall not in any manner limit or affect the right of the several officers enumerated in said Act to accept security of the character specified therein.

Section 3. This Act shall take effect upon its passage and approval.

Approved March 11, 1935.

CHAPTER 107

An Act to Amend Section 1638 of the Revised Codes of Montana of 1921, Relating to the Decision of County Commissioners on a Petition for Establishing, Changing or Discontinuing Highways, and Designating the Method of Giving Notice to Interested Parties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1638 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 1638. **Minute Entry of Action on Petition—Notice to Interested Parties.** After the commissioners shall have considered the petition, provided that not more than one member of the Board of County Commissioners and the County Surveyor shall act as viewers in making the investigation, they shall make an entry on their minutes of their decision with reference thereto, and cause notice of their action on said petition to be sent by registered mail to the petitioners and to all land owners as disclosed by the last assessment rolls of the county, owning land abutting the roadway proposed to be established, changed or discontinued.”

Method of giving notice of decision of County Commissioners on a petition relating to highways.

Section 2. This Act shall take effect upon its passage and approval.

Approved March 11, 1935.

CHAPTER 108

An Act to Provide for the Support of the Government of Montana for the Years 1935 and 1936.

Be it enacted by the Legislative Assembly of the State of Montana:

Tax levies for
state purposes
for 1935.

Section 1. The following tax levies for state purposes are hereby made upon all property in the State of Montana subject to taxation for the year 1935, as ascertained by taking the percentage of the true and full value provided by law for purposes of taxation, to-wit:

General fund
state funding
bonds.

A. For the State General Fund, including the levy for the issue of \$4,500,000.00 state funding bonds authorized by Chapter 10 of the Session Laws of the Twenty-third Legislative Assembly of 1933, two mills.

University
millage fund.

B. For the University Millage Fund, two and one-half mills.

State educa-
tional bond
sinking and
interest fund.

C. For the State Educational Bond Sinking and Interest Fund created under Initiative Measure 19 now comprising Sections 5606 to 5612 inclusive of the Revised Codes of Montana of 1921, ten-twelfths (10/12) of a mill on each dollar of the assessed valuation of said property.

Tax levies for
state purposes
for 1936.

Section 2. The following tax levies for state purposes are hereby made upon all property in the State of Montana subject to taxation for the year 1936, as ascertained by taking the percentage of the true and full value provided by law for purposes of taxation, to-wit:

General fund
and funding
bonds.

A. For the State General Fund, including the levy for the issue of \$4,500,000.00 state funding bonds authorized by Chapter 10 of the Session Laws of the Twenty-third Legislative Assembly of 1933, one and three-fourths ($1\frac{3}{4}$) mills.

University
millage fund.

B. For the University Millage Fund, two and three-fourths ($2\frac{3}{4}$) mills.

State educa-
tional bond
sinking and
interest fund.

C. For the State Educational Bond Sinking and Interest Fund created under Initiative Measure 19 now comprising Sections 5606 to 5612 inclusive of the Revised Codes of Montana of 1921, ten-twelfths (10/12) of a mill on each dollar of the assessed valuation of said property.

Section 3. If any part of this Act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this Act. Saving clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1935.

CHAPTER 109

An Act Harmonizing, Revising and Codifying the Sections of the Laws Heretofore Passed Relating to the Montana Relief Commission, and the Emergency Relief Fund; Creating a State Department of Public Relief and Providing for the Appointment, Qualifications, Terms of Office, Powers, Duties and Compensation of the Montana Relief Commission, the Montana Relief Administrator; the Establishment of a Relief Fund, Defining the Purposes and Directing the Administration Thereof; Turning Over to the Montana Relief Commission Herein Created All Property of the Existing Commission, and Appropriating to the Use of the Montana Relief Commission Herein Created All Funds Heretofore Appropriated to the Use of the Existing Montana Relief Commission; Providing for the Administration of Federal Funds Made Available for the Purposes Set Out in This Act, or Hereafter to be Made Available for the Purposes Set Out in This Act; Directing Effective and Efficient Cooperation With Agencies of This State and the Federal Authorities or Agencies Created or to be Created by Act of Congress, or Created or to be Created by the Executive of the United States or Executive Department Thereof; Providing for the Keeping of Records and Reports of All Disbursements Made of Such Funds and Moneys and a Method of Examination and Audit of Same; Providing for the Acquisition of Property; Providing for Contracts With the United States; Appropriating Three Million (\$3,000,000.00) Dollars for the Montana Relief Commission, for a Period Beginning the Second Day of March, 1935, and Ending the First Day of March, 1937, and Designating the Sources Thereof by Amend-

ing Section 97 of Chapter 105, Section 49 of Chapter 106, Section 28 of Chapter 181, and Section 9 of Chapter 180 of the Laws Enacted by the Twenty-third Legislative Assembly of the State of Montana (1933), in Regular Session Assembled, as Amended by Section 1 of Chapter 57, Section 17 of Chapter 46, Section 2 of Chapter 40, and Section 2 of Chapter 52 Respectively of the Laws Enacted by Said Legislative Assembly in Extraordinary Session and Further by Amending Section 9 of Chapter 41, Section 4 of Chapter 48 and Section 3 of Chapter 51 of the Laws Enacted by Said Legislative Assembly in Extraordinary Session; and Repealing All of Chapter 45 of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933, and All of Chapters 20 and 56 of the Laws of the Twenty-third Extraordinary Legislative Assembly of the State of Montana 1933-1934, and All Acts or Parts of Acts in Conflict With This Act, and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Montana
Relief
Commission.

Section 1. There is hereby created and established a State Department and Institution of Public Relief composed of a commission of five (5) members, each of whom shall be a citizen of the United States and a resident and taxpayer of the State of Montana for a period of three (3) years prior to his appointment, which commission shall be known as the "Montana Relief Commission"; the purpose of which shall be to provide means for the sustenance of life, shelter and the relief of distress among the people of the state whom economic conditions, industrial inactivity, old age, unemployment or other causes over which they have no control have deprived of support and to aid dependent children and for such other economic security functions as are or may be assumed by the state; and to provide further for necessary cooperation with other state and Federal agencies in the employment of those in need of employment to prevent them from becoming objects of relief; and to administer such funds as are appropriated by the State Legislature or made available to the State of Montana, or the Governor thereof, by any Act of Congress of the United States for any declared purposes of this Act.

Purpose of
commission.

Cooperate with
the Federal
Government.

Section 2. After the approval of this Act the Governor shall appoint all members of the "Montana Relief Commission." The terms of the first three members so appointed shall expire February 1, 1936, and the terms of the next two members so appointed shall expire February 1, 1937. Upon the expiration of the term of any member his successor shall be appointed for a term of two years. Appointments to fill vacancies in the membership of the "Montana Relief Commission" arising from any cause whatsoever shall be for the remaining portion of such term. The members of the "Montana Relief Commission" shall take and subscribe to the constitutional oath of office and shall furnish a surety company bond conditioned upon the faithful discharge of their duties in the amount of Twenty-five Thousand (\$25,000.00) Dollars each running to the State of Montana, the premium of which shall be paid by the state.

Governor
to appoint
commission.

Terms of
office.

Oath of office.
Bond.

The members of the commission shall meet and elect such officers of the commission as they deem advisable and shall meet thereafter at least four times a year and whenever called in session by the chairman of the commission, or the Governor of the State of Montana or by a majority of the members of the commission.

When the
commission
shall meet.

Section 3. The members of said commission shall receive as compensation the sum of Ten and no/100 (\$10.00) Dollars per diem for each day actually engaged in the duties of their office, in addition to their necessary expenses while away from their home in the performance of the duties of their office, said sum to be paid out of the funds appropriated to the use of said "Montana Relief Commission" by the State of Montana. No member of the Montana Relief Commission, or of any of the county relief committees, shall have any direct or indirect financial interest in or profit by any of the operations of the commission or any of its agencies.

Compensation
of
Commissioners.

No member
to have finan-
cial interest
in operations
of the
commission.

Section 4. There is hereby created, and the State Treasurer is hereby directed to set up and establish a fund to be known as the "Relief Fund", to which shall be distributed such moneys as are provided therefor by the Legislative Assembly, and such funds as are made available to the State of Montana, or the Governor thereof, by the Federal Government, by or through the

Relief fund to
be established.

Commission
authorized
to allocate
funds to match
Federal funds.

President of the United States, or by Act of Congress, or by or through any department or agency of the United States; or by gift or grant from private sources, or from any sources whatsoever, for any of the purposes set forth in this Act. The Montana Relief Commission shall have authority to allocate a portion of the relief fund for the purpose of matching any Federal funds which may become available for old age assistance or aid to dependent children, or other relief, welfare or social security purposes for which Federal funds are or may become available on a matching basis.

General power
to administer
funds.

Records of
financial
transactions
to be kept.

State Examiner
to audit.

Section 5. The "Montana Relief Commission" is hereby authorized, and it shall be its duty to administer the fund hereby created as a state institution in such manner as to effectuate the purposes of this Act. Such commission shall keep complete records and reports of all receipts of moneys, disbursements made thereof, all of which said records, and reports shall be subject to examination and audit by the State Examiner, and it shall be the duty of the State Examiner to examine and audit such reports when and at such intervals as he shall deem necessary. The fiscal rules and regulations of the United States Government as enjoined upon the "Montana Relief Commission" shall be used as a method of accounting for all of such funds.

Money to be
paid out at
direction of
Board of
Examiners.

Section 6. The State Treasurer is hereby directed to disburse the moneys appropriated by this Act upon warrants issued by the State Auditor under the direction of the State Board of Examiners, after claim has been approved, for the use of said Montana Relief Commission.

Budget Act
not to affect
appropriation.

Section 7. The appropriation or appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Budgets to be
prepared at
request of
Federal
agencies.

Section 8. If the Federal Government or any department or agency thereof requires the submission of a budget, or budgets before authorizing the expenditure or allocation to the State of Montana, or its Governor, of Federal funds, the "Montana Relief Commission" is hereby authorized to prepare budgets in accordance with such requirements and shall forward the same to the Federal agency charged with receiving them; and if the Federal Government, or any department or agency

thereof, shall require as a condition to the authorizing of the expenditures or allocation of Federal funds that certain rules and regulations be complied with in accounting for the expenditure of said funds, the said "Montana Relief Commission" is hereby empowered to do and perform any act necessary to comply with such requirements.

Rules of Federal Government to be complied with.

Section 9. The "Montana Relief Commission" shall supervise the expenditure of the fund herein created and all funds appropriated by this Act, by the Legislative Assembly or by the State of Montana for the purposes set forth in this Act and shall supervise the expenditure of all Federal funds appropriated by Act of Congress and/or allocated to the State of Montana, or its Governor, by Act of Congress, the President of the United States, the Executive Department of the United States, or any of its agencies for the purpose set forth in this Act.

Commission to supervise the expenditures of all funds.

Section 10. The "Montana Relief Commission" is hereby directed to establish effective and efficient co-operation with Federal authorities or agencies created or to be created by Act of Congress, or created or to be created by the Executive of the United States or the Executive Department of the United States or any agency thereof through which any funds have been or may hereafter be allocated to the State of Montana, or its Governor, for the purposes set forth in this Act and are directed to establish rules and regulations for the distribution of the funds herein mentioned consistent and in conformity to rules and regulations of the Federal Government with reference to the expenditure of such funds heretofore or hereafter lawfully promulgated.

Commission to effect co-operation with Federal Government.

Section 11. The commission shall appoint a Montana Relief Administrator who shall hold office at the pleasure of the commission and shall receive such salary and traveling expenses as the commission shall prescribe, and who, if and so long as Federal funds are available to the state commission, shall be a person acceptable to such Federal authority as is charged by law with the administration and/or allotment of such Federal funds. Said administrator shall be the administrative officer for the commission. The commission shall determine the policies of the Montana Relief Administration, but all adminis-

Montana Relief Administrator to be appointed, compensation of.

To be acceptable to Federal authority.

General power of Administrator.

trative and executive authorities and duties shall be vested in the administrator, provided however, that appointments by the administrator of major department heads shall be subject to the approval of the commission.

County relief committees to be appointed.

Section 12. The Relief Administrator with the approval of the commission may appoint committees in such counties of this state as shall ask and receive relief or other public assistance through or from the "Montana Relief Commission" or any agency of the United States Government whose funds are distributed as herein provided whenever in its judgment such committees will be of service in carrying out the purposes of this Act. All of such committees shall serve without salary or compensation.

No compensation.

Commission to make rules and regulations applicable to dispensing relief.

Section 13. The commission shall make all necessary rules and regulations in connection with the making of application for relief; to the investigation and granting of the same; and shall require adequate standards of relief, require the making of such reports as they deem necessary, and shall supervise and regulate the distribution of relief funds received from the Reconstruction Finance Corporation and/or any and all other agencies of the United States Government which may distribute and allocate funds of the United States for the purposes mentioned in this Act, or which may be made available to the State of Montana by gift, grant or otherwise from private or other sources, and may compel compliance with their rules and regulations and with the rules and regulations of the agencies of the United States Government as a condition precedent to securing relief.

Supervise distribution of Federal funds.

Attorney General to be legal advisor to commission.

Section 14. The Attorney General shall act as legal advisor of the Montana Relief Commission and shall perform such services as it may request and he is hereby empowered to employ such other and additional counsel or legal services as in his judgment may be necessary and fix the compensation therefor, which compensation shall be paid out of the relief funds.

Commission's power to acquire property.

Section 15. The commission shall have power to acquire by purchase, exchange, or gift, on such terms and conditions, and in such manner as it may deem proper, and to acquire by condemnation in accordance with and subject to the provisions of any and all existing laws

applicable to the condemnation of property for public use, any land, rights, easements, and other property, either real or personal, necessary or proper to carry out the purposes set forth in this Act. Title to property purchased, or condemned, or acquired in whatever manner, shall be taken in the name of the commission, but the commission shall be under no obligation to accept and pay for any property condemned under this Act, except from the funds provided by this Act.

Title to be taken in name of commission.

Section 16. The commission is empowered to enter into contracts and leases with the United States of America, its instrumentalities, or its agencies, or any thereof, to carry out any of the purposes set forth in this Act, and may in such contracts or leases authorize the United States, its instrumentalities, or agencies, or any thereof, to exercise such supervision over any property belonging to the commission, or any matter or thing the subject of said contract or lease, as it may be required by the United States, its instrumentalities, or its agencies, or any thereof, until such time as any money expended, advanced or loaned by the said United States, its instrumentalities, or agencies, and agreed to be repaid thereto by the commission shall have been fully repaid. It is the purpose and intent of this Act that the commission shall be authorized and empowered to accept, cooperation from the United States of America, its instrumentalities, and agencies in all matters deemed necessary by the commission to carry out the purposes of this Act, and the commission shall have full power to do any and all things necessary in order to avail itself of such aid, assistance and cooperation under Federal legislation heretofore or hereafter enacted by Congress or under any proclamation or order of the Executive, or of any executive department, or agency, of the United States, now or hereafter promulgated or made.

Commission authorized to enter into contracts or leases with Federal agencies.

Purpose to cooperate to fullest extent with Federal agencies.

Section 17. It shall be the duty of the existing Montana Relief Commission to turn over to the Montana Relief Commission provided for in this Act all books, records, maps, papers, moneys, and all property of any kind now belonging to the existing commission, and all funds heretofore appropriated to the use of the existing Montana Relief Commission, are hereby appropriated to the commission provided for in this Act.

Old relief commission to turn over all property and records to new commission.

Liberal
construction.

Section 18. This Act being necessary for the welfare of the state shall be liberally construed to effect the purposes thereof.

Saving
clause.

Section 19. The sections and provisions of this Act are severable and are not matters of mutual essential inducement and it is the intention to confer the whole or any part of the powers herein provided for and if any section or provision or part thereof is for any reason held to be unconstitutional, void or inoperative, it is the intention that the remaining sections and provisions and parts thereof shall remain in full force and effect.

Appropriation
for relief.

Section 20. For the purposes of carrying out the provisions of this Act, the following sums, to-wit: Three Million (\$3,000,000.00) Dollars, or so much thereof as may be necessary, are hereby appropriated out of the relief funds in the State Treasury, for a period beginning the 2nd day of March, 1935, and ending the first day of March, 1937, as in this Act provided, and in order to effectuate such appropriation, the following laws be and the same are hereby amended as follows:

Laws amended
to effectuate
such ap-
propriation.

Amending
clause.

(A) That Section 97 of Chapter 105 of the laws enacted by the Twenty-third Legislative Assembly of the State of Montana, 1933, in regular session assembled, as amended by Section 1 of Chapter 57 of the laws enacted by the Twenty-third Legislative Assembly of the State of Montana, in Extraordinary Session assembled, be and the same is hereby amended to read as follows:

Disposition
of profits
from liquor
stores.

“Section 97. For the two years immediately following the approval of this Act the net profits derived from time to time after providing the money required for the administration of this Act shall be by the State Treasurer distributed as follows:

For year
ending March
1, 1936.

For the year ending March 1, 1936, 33 1/3 % thereof to the general fund of the State of Montana, 15 % thereof to the administration fund of the Water Conservation Board, and the remaining 51 2/3 % to the relief fund of the State of Montana to be administered by the Montana Relief Commission; provided, that when the general fund shall have received from the foregoing allocation a sum aggregating Three Hundred Thousand Dollars (\$300,000.00) and the administration fund of the

Water Conservation Board shall have received a sum aggregating One Hundred Thousand Dollars (\$100,000.00), then all of the net profits so derived from time to time after providing the money required for the administration of this Act shall be by the State Treasurer distributed to the relief fund of the State of Montana.

For the year beginning March 1, 1936, and ending March 1, 1937, the net profits derived from time to time after providing the money required for the administration of this Act shall be by the State Treasurer distributed as follows: 33 2/3 % thereof to the general fund of the State of Montana; 6 2/3 % thereof to the administration fund of the Water Conservation Board; 10 % thereof to the conservation revolving fund of the Water Conservation Board, and the remaining 50 % to the relief fund of the State of Montana to be administered by the Montana Relief Commission; provided, that when the general fund shall have received from the last foregoing allocation a sum aggregating Three Hundred Thousand Dollars (\$300,000.00) and the administration fund of the Water Conservation Board, shall have received a sum aggregating One Hundred Thousand Dollars (\$100,000.00) and the conservation revolving fund of the Water Conservation Board shall have received a sum aggregating One Hundred and Fifty Thousand Dollars (\$150,000.00) then all of the net profits so derived from time to time after providing the money required for the administration of this Act shall be by the State Treasurer distributed to the relief fund of the State of Montana, until said relief fund receives the aggregate sum of Three Million Dollars (\$3,000,000.00) as provided by this Act."

For year
ending March
1, 1937.

(B) That Section 49 of Chapter 106 of the laws enacted by the Twenty-third Legislative Assembly of the State of Montana, in Regular Session assembled, as amended by Section 17 of Chapter 46 of the laws enacted by the Twenty-third Legislative Assembly of the State of Montana, in Extraordinary Session assembled, be and the same is hereby amended to read as follows:

Amending
clause.

"Section 49. All fees, charges, taxes and penalties provided by this Act, collected by or under authority of the board, together with all revenues received from other sources under this Act, shall be paid into the State

Disposition
of moneys
received under
Montana
Beer Act.

Treasury, and constitute a special fund to be designated "Montana Beer Act Fund", which to the extent of ten per centum (10%) of the net amount of current revenues received and paid into the State Treasury, shall be available for the payment of the expenses of the board in the administration of this Act, and the State Examiner shall quarterly audit the books of the board in order to determine that the amount of money received as shown by the books of the board correspond with the books of the State Treasurer. Whenever the amount of money in the "Montana Beer Act Fund" shall exceed Ten Thousand Dollars (\$10,000.00) all in excess of the sum of Five Thousand Dollars (\$5,000.00) shall be by the State Treasurer distributed as follows: Ninety-five per cent (95%) thereof shall be transferred to the general fund of the State of Montana, and the remaining five (5%) shall be distributed to the relief fund to be administered by the Montana Relief Commission."

Amending
clause.

(C) That Section 28 of Chapter 181, of the laws enacted by the Twenty-third Legislative Assembly of the State of Montana, 1933, in regular session assembled, as amended by Section 2 of Chapter 40 of the laws enacted by the Twenty-third Legislative Assembly of the State of Montana in Extraordinary Session assembled, be and the same is hereby amended to read as follows:

Disposition
of moneys
received under
state income
tax law.

"Section 28. The State Treasurer shall deposit fifty-five per centum (55%) of the taxes paid under this Act to the general fund, twenty per centum (20%) thereof to the common school interest and income fund, twenty per centum (20%) to the common school equalization fund and five per centum (5%) thereof to the relief fund. After March 1, 1937, the State Treasurer shall deposit fifty per centum (50%) of the taxes paid under this Act to the general fund, and twenty-five per centum (25%) to the common school interest and income fund, and twenty-five per centum (25%) thereof to the common school equalization fund. The revenue so produced shall be taken account of by the State Legislature in making the annual levy for state purposes. It is the expressed intention of this Act that the revenue derived hereunder shall reduce by corresponding amount the direct tax levy which the state would otherwise make for state purposes."

(D) That Section 9 of Chapter 41 of the laws enacted by the Twenty-third Legislative Assembly of the State of Montana, in Extraordinary Session assembled, be and the same is hereby amended to read as follows:

Amending
clause.

“Section 9. All moneys received by the State Treasurer in payment of license taxes under the provisions of this Act, shall be deposited by him and credited to the following: Five per cent (5%) to the relief fund; ninety per cent (90%) to the general fund of the State of Montana, and five per cent (5%) to the common school interest and income fund; this to continue until March 1st, 1937; thereafter all moneys derived from the payment of license taxes under this Act shall be allocated fifty per cent (50%) to the general fund of the state; twenty-five per cent (25%) to the common school interest and income fund, and twenty-five per cent (25%) to the common school equalization fund.”

Disposition
of moneys
received from
license tax on
the telegraph
business.

(E) That Section 4 of Chapter 48 of the laws enacted by the Twenty-third Legislative Assembly of the State of Montana in Extraordinary Session assembled, be and the same is hereby amended to read as follows:

Amending
clause.

“Section 4. For the two years immediately following the approval of this Act all inheritance taxes provided herein and by other laws of the State of Montana, shall until March 1, 1937, be for the use and benefit of and by the State Treasurer credited and distributed as follows: Fifteen per cent (15%) thereof to the common school interest and income fund; fifteen per cent (15%) thereof to the state common school equalization fund; seventy (70%) thereof to the conservation revolving fund of the Water Conservation Board until such time as said conservation revolving fund shall have received the aggregate sum of Three Hundred Fifty Thousand Dollars (\$350,000.00), then the said seventy per cent (70%) to the relief fund of the State of Montana until the said relief fund shall receive in the aggregate the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) then the said seventy per cent (70%) shall thereafter be distributed to the general fund of the State of Montana. After March 1, 1937, all inheritance taxes provided herein and by other laws of the state shall be for the use and benefit of and by the State Treasurer credited and dis-

Disposition
of moneys
received from
state inheri-
tance tax.

tributed as follows: Fifty per cent (50%) thereof to the general fund of the state, twenty-five per cent (25%) thereof to the common school interest and income fund, and twenty-five per cent (25%) thereof to the state common school equalization fund."

Amending
clause.

(F) That Section 3 of Chapter 51 of the laws enacted by the Twenty-third Legislative Assembly of the State of Montana in Extraordinary Session assembled, be and the same is hereby amended to read as follows:

Disposition
of moneys
received from
license tax on
electricity
and electrical
energy.

"Section 3. The State Board of Equalization shall receipt therefor and promptly turn same over to the State Treasurer, and the State Treasurer shall distribute the same to March 1, 1937, as follows: Five per cent (5%) thereof to the relief fund, ninety per cent (90%) thereof to the general fund and five per cent (5%) thereof to the common school interest and income fund and after March 1, 1937, the same shall be distributed as follows: Fifty per cent (50%) to the general fund, twenty-five per cent (25%) to the common school interest and income fund and twenty-five per cent (25%) to the common school equalization fund. Taxes not paid on the due date shall become delinquent and shall bear interest from said due date at the rate of twelve per cent (12%) per annum."

Amending
clause.

(G) That Section 9 of Chapter 180, of the laws enacted by the Twenty-third Legislative Assembly of the State of Montana, 1933, in Regular Session assembled, as amended by Section 2 of Chapter 52 of the laws enacted by the Twenty-third Legislative Assembly of the State of Montana in Extraordinary Session assembled, be and the same is hereby amended to read as follows:

Disposition
of moneys
received from
natural
gas tax.

"Section 9. All license taxes collected under the provisions of this Act shall be distributed as follows: Five per cent (5%) to the relief fund, and ninety-five per cent (95%) to the general fund of the state; this to continue until March 1, 1937; thereafter fifty per cent (50%) of such license fees shall be by the State Treasurer credited to the general fund of the state; twenty-five per cent (25%) to the common school equalization fund, and twenty-five per cent (25%) to the common school interest and income fund."

Section 21. Whenever the sums hereinabove allocated to said relief fund shall amount in the aggregate to Three Million Dollars (\$3,000,000.00), then all such allocations to said relief fund shall be credited to and disbursed to the general fund of the state.

When sums reach 3 million all funds to be credited to general fund.

Section 22. All of Chapter 45 of the laws of the Twenty-third Legislative Assembly of the State of Montana, 1933, and all of Chapters 20 and 56 of the laws of the Twenty-third Extraordinary Legislative Assembly of Montana 1933-1934 are hereby repealed.

Repealing clause.

Section 23. Because of the inability of thousands of persons throughout the state to find employment and to support themselves and their families in the present depression, it is necessary that the powers conferred and moneys appropriated by this Act be exercised and drawn on, respectively, immediately in order to create employment, to relieve distress and to prevent irreparable injury to the people of the state so that the public peace, health and safety can be preserved immediately. An emergency is hereby declared to exist and this Act shall not be subject to referendum and shall be in full force and effect from and after its passage and approval.

Emergency clause.

Approved March 11, 1935.

CHAPTER 110

An Act to Amend Section 21 of Chapter 89, Session Laws of the Twentieth Legislative Assembly, 1927, Being an Act Relating to the Liability of Stockholders of Montana State Banks and the Administration of Insolvent Banks by the State Superintendent of Banks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 21, Chapter 89 of the Session Laws of the Twentieth Legislative Assembly, 1927, be and the same is hereby amended to read as follows:

“Section 21. **Stockholders’ Liability.** The stockholders of every bank shall be severally and individually liable, equally and ratably, and not one for the other, for all contracts, debts, and engagements of such cor-

Stockholders’ liability.

Fiduciaries
not person-
ally liable.

Liability
of person
pledging.

Liability
of person
transferring
stock within
6 months
before bank
failure.

Duty of
liquidating
officer to
enforce
stockholders'
liability.

Power to in-
stitute actions.

May receive
money from
stockholders.

poration, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares. No person holding stock as executor, administrator, guardian, or trustee, and no person holding such stock as a pledge or collateral security, shall be personally subject to any liability as stockholders in such corporation; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian, or trustee, shall be liable in like manner and to the same extent as the testator, intestate, ward, or the person interested in such trust fund would have been liable if he had been living or competent to act and hold the stock in his own name.

The stockholders in any bank who shall have transferred their shares or registered the transfer thereof, within six (6) months last before the failure of said bank to meet its obligations, or with knowledge of such impending failure, shall be liable to the same extent, as if they had made no such transfer to the extent that the subsequent transferee fails to meet such liability; but this provision shall not be construed to affect in any way recourse which such stockholder might otherwise have against those in whose name such shares are registered at the time of such failure.

At any time after taking possession of a bank for the purpose of liquidation, the liquidating officer, duly qualified under the laws, as soon as he ascertains that the assets of such bank will be insufficient to pay its debts and liabilities may proceed to collect and enforce the stockholders' liability. For that purpose he may institute and maintain, in his own name as such liquidating officer appropriate suits or actions in any State or Federal Court of competent jurisdiction. He may receive and receipt for moneys received on account of stockholders' liability and any money so paid to the liquidating officer by a stockholder in whole or partial satisfaction of his liability, shall not be deemed paid voluntarily, but shall give the stockholder the same protection to the extent of the amount paid as if the payments were made after suit by creditor or liquidating officer. The liquidating officer is authorized by and with the consent of

the court having jurisdiction of such liquidation to compromise, settle and compound claims for stockholders' liability and such settlements and compromises when approved by the court shall be legal and binding upon all parties concerned, including creditors.

Power to compromise claims for stockholders' liability with consent of court.

All sums collected by a liquidating officer on account of stockholders' liability, either received from voluntary payments or collected by suits, settlements or compromises, shall be distributed to the creditors of the bank according to their several rights in the same proportion as the amount of a given claim of a creditor bears to the amount of the claims of all creditors, and without regard to the rank or class or character of claims and without diminution, except that the said liquidating officer may deduct from amounts collected, the court costs or attorney's fees, such attorney's fees to be allowed for not more than ten per cent (10%) of the amount collected, provided that the ten per cent (10%) allowed for attorney's fees shall not apply to collections which are made outside of the State of Montana and other expenses incurred by him in the prosecution of any action for the collection thereof.

Distribution of moneys collected from stockholders.

Attorney's fees deductible.

Attorney's fees for out of state collections.

The liquidating officer of a bank shall have the power to decide when the assets of a failed bank are not sufficient to pay the debts, contracts, engagements and liabilities and he may determine the question of the time when and the court where necessary suits shall be instituted subject to the general provisions of law governing venue and place of trial. For the purposes of this section the term 'Liquidating Officer' shall be held to include every person legally empowered to liquidate the business and affairs of a state bank whether the same be by Superintendent of Banks, his deputies and agents and also all receivers of state banks now or hereafter qualified to liquidate a state bank under any law of Montana, provided, however, that the provisions of this section shall not impose any liability on any stockholder of a bank which is a member of the Federal Deposit Insurance Corporation. The Superintendent of Banks shall within ninety (90) days after taking charge of an insolvent bank, cause to be filed with the district court having jurisdiction, a complete inventory of all of the property and assets of such insolvent bank, such as furniture,

Liquidating agent to decide when assets are insufficient to pay liabilities.

"Liquidating Officer" defined.

Superintendent of Banks to file inventory in district court of bank's assets.

Report of liquidation to be filed every 6 months.	fixtures, real estate, mortgages, bonds, notes, secured and unsecured, and thereafter he shall every six months or oftener, if so required by the court, cause to be made and filed with the court a report showing the conditions
Contents of.	of the liquidation of such bank, the assets that have been liquidated and collected and the amounts and manner of payments which may have been made to creditors and the manner in which claims have been handled and also showing the assets on hand. The report to also contain such other information as the court may deem proper and request or require, so that the court and the public may be apprised of the condition of such bank and the manner in which it is being liquidated with respect to the collection and sale of assets belonging to such bank and the manner in which claims are being paid. Such report and account shall be set for hearing upon such notice as the court may require and if found to be correct shall be approved by the court."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1935.

CHAPTER 111

An Act Defining What Constitutes Discrimination in the Sale of Any Standard Petroleum Product Within the State of Montana; Declaring Discrimination to be a Fraud; Making Parties Violating Act Guilty of Misdemeanor; Fixing Burden of Proof; Defining the Term "Standard Petroleum Product"; Purpose and Intent of the Act; Duty of Attorney General When Complaint is Made to Him; Duty of County Attorney; Providing Penalties for Violation of the Act; Authorizing Verdict in Civil Action for Actual as Well as Exemplary Damages for Violation of This Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person, firm, company, association, or corporation, either domestic or foreign, doing business in the State of Montana, and engaged in the selling of any standard Petroleum product, that shall demand or collect from any person or customer a higher price for any standard petroleum product in one part of the State of Montana than the price being demanded or collected at substantially the same time by such person, firm, company, association or corporation, from other persons or customers in another part of the State of Montana or in the nearest adjoining state for a like article of standard petroleum product shall be guilty of discrimination which is hereby declared to be a fraud, and the agents or officers of such person, firm, company, association, or corporation participating, guilty of a misdemeanor, provided, however, in the trial of an action under the provisions of this Act, in the determination of the justification of the price demanded or collected by a person, firm, company, association, or corporation, charged with a violation of the provisions of this Act, transportation, quantity of sales, emergencies, cost of doing business, or similar differences under the respective conditions may be offered as a matter of defense or justification for the differences in price demanded or collected. When competent evidence is offered, in the trial of any action under this Act, of a demand for or the receipt of a higher price for any standard petroleum product in the State of Montana by any person, firm, company, association or corporation, than such person, firm, company, association or corporation demanded, collected or received at substantially the same time for the same or a similar article of standard petroleum product in another part of the State of Montana or in the nearest adjoining state, the burden of proof shall then be upon such person, firm, company, association or corporation, or agents or officers, on trial to prove that the difference in the price demanded or collected was justified.

Unlawful to discriminate in the price of petroleum products between different parts of the state.

Declared a fraud and misdemeanor.

What may be offered as a defense.

Burden of proof on vendor.

Section 2. The term "Standard Petroleum Product" as used herein refers to and includes gasoline, fuel oil, distillates, greases and lubricating oils.

"Standard Petroleum Product" defined.

Section 3. This Act is intended to compel persons, firms, companies, associations and corporations, doing business in the State of Montana, and engaged in the sell-

Purpose of Act.

ing of and dealing in standard petroleum products, to treat all customers in one part of the State of Montana on an equal with all customers in other parts of the State of Montana or in the nearest adjoining state, and to promote the uniform application of the law of the State of Montana providing a tax on all gasoline used by motor vehicles when traveling over the public highways, and this Act shall be liberally construed to accomplish those purposes.

Liberal
construction
to be given
Act.

Attorney
General to
investigate
complaints.

Prosecute
action in
name of state
to annul char-
ter or revoke
license.

Section 4. If complaint shall be made to the Attorney General that any person, firm, company, association or corporation is guilty of discrimination as defined by this Act, he shall forthwith investigate such complaint, and for that purpose he shall subpoena witnesses, administer oaths, take testimony, and require the production of books or other documents, and if, in his opinion, sufficient grounds exist therefor, he shall prosecute an action in the name of the state in the proper court to annul the charter or revoke the permit or license of such person, firm, company, association or corporation as the case may be, and to permanently enjoin such person, firm, company, association or corporation from doing business in this state, and if, in such action, the court shall find that such person, firm, company, association or corporation is guilty of discrimination as defined by this Act, such court shall annul the charter or revoke the permit or license of such person, firm, company, association or corporation, and may permanently enjoin it or them from transacting business in this state.

County
Attorneys
to prosecute
for violation
of Act.

Section 4-A. If any person shall present to the County Attorney of any county in the State of Montana, in which county such discriminatory acts of any person, firm, company, association, or corporation shall have been committed, a sworn written statement of the price paid, the date and the parties selling and buying, and reasonably reliable information of the price demanded or collected by such person, firm, company, association or corporation, for a corresponding or similar article of standard petroleum product sold or offered for sale in another part of the State of Montana or in the nearest adjoining state by such person, firm, company, association or corporation, then it shall be the duty of such

County Attorney to promptly investigate and either commence and prosecute an action or furnish the informant with a written statement of his reasons for not commencing and prosecuting an action under this Act.

County Attorney to give written statement of reasons for failure to prosecute.

Section 5. Any person, firm, company, association or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punishable by a fine of not exceeding Five Hundred Dollars (\$500.00).

Penalty.

Section 6. In addition to the penalty above prescribed, any customer of such person, firm, company, association or corporation may bring a civil action in any county in which such offending person, firm, company, association or corporation may be doing business, and recover therein not only actual damages for violation of this Act, but also exemplary damages for such reasonable sum as the jury may deem proper punishment for the unlawful practice of discrimination as herein defined.

Civil action for damages.

Exemplary damages may be awarded.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 112

An Act Amending Section 7597, Revised Codes of Montana for 1921, Relating to Conditional Sales Contracts, and Prescribing Under What Conditions Deficiency Judgment May or May Not be Taken Upon the Repossession of Property Thereunder, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7597, Revised Codes of Montana for 1921, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 7597. Default of Vendee—Seizure and Sale of Property—Application of Proceeds. Upon default be-

Upon default vendor may recover property in an action of claim and delivery.

Instrument may grant the right of seizure by Sheriff upon default.

Procedure.

How proceeds from sale shall be applied.

Sheriff may require bond from vendor.

Fees of Sheriff.

Deficiency judgment.

When deficiency judgment is not permissible.

ing made by the vendee in any of the terms and conditions of any contract, note, or instrument for the transfer or sale of personal property, where the title to said property is stipulated to remain in the vendor until the payment of the purchase price, the vendor may recover the possession of said property in an action of claim and delivery, brought and conducted as provided by law for such action; and, in addition thereto, it shall also be lawful for the vendor of any such personal property to insert in any such conditional sale contract, note, or instrument, and make a part thereof, a clause authorizing the Sheriff of the county in which said property, or any part thereof, may be, upon request of the vendor and the delivery to him of a copy of such contract, note, or instrument, certified by the County Clerk and Recorder of the county where the same is on file as being a true copy, to take possession of such property in case of such default, and sell the same after notice given therefor for such time and in the manner provided by law for sheriff's sale of personal property under execution, and apply the proceeds thereof, first to the payment of the expenses of such sale, and second, to the payment of the amount due on said contract, note, or instrument, and the remainder, if any, shall be paid to the vendee or assigns; and if such clause is inserted in said contract, note, or instrument, as aforesaid, and said vendor complies with the terms thereof, it is hereby made the duty of such Sheriff, upon the request of said vendor, to take said property and sell the same and apply the proceeds as therein set forth. The said Sheriff may require a reasonable indemnity bond from the vendor or his assigns before taking possession of or selling said property. For his services in taking and selling the said property, the Sheriff shall be entitled to fees and mileage as in the case of sale of personal property under chattel mortgage, and such fees and costs, when paid by the vendor, shall become part of the indebtedness of the vendee to the vendor, and should the proceeds of said sale not be sufficient to pay the balance due on said contract, note, or instrument, including said costs, the remainder due thereon, if any, may be recovered by the vendor in an appropriate action on the original contract, note, or instrument. Provided, however, that if said vendee shall surrender possession of said personal property to said

vendor without cost and expense to said vendor, and provided also, that said vendee has paid at least thirty-three and one-third per cent (33 1/3 %) of the original purchase price of said personal property with interest, said vendor shall not be entitled to any deficiency judgment against said vendee upon said contract, note, or instrument."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 113

An Act Relating to the Preservation of Chattel Mortgages, Conditional Sales Contracts, Seed Liens and Threshers' Liens and Authorizing the Destruction of Same by the County Clerk and Recorder and Registrar of Motor Vehicles After the Lapse of the Time Designated in This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All chattel mortgages, conditional sales contracts, seed liens and threshers' liens, which have heretofore or shall hereafter be filed for record in the office of any County Clerk and Recorder of the several counties in the state and the office of the Registrar of Motor Vehicles shall be retained by such County Clerk or Registrar of Motor Vehicles in a file kept by him for such purposes, for a period of eight years from and after the time when said mortgage, conditional sales contract, seed lien, or threshers' lien has ceased to be a lien on the property described therein, either by virtue of the original mortgage or any renewal thereof. Records to be retained for 8 years.

Section 2. Upon the expiration of the period of time specified in Section 1 of this Act, the County Clerk and Recorder or Registrar of Motor Vehicles may destroy all chattel mortgages, conditional sales contracts, seed liens Destruction of records after 8 years permissible.

and threshers' liens, which have been preserved for the period of time specified in this Act.

Section 3. This Act shall take effect, and be in full force after its passage and approval.

Approved March 13, 1935.

CHAPTER 114

An Act to Amend Sections 1, 2 and 4 of Chapter 6 of the Session Laws of the Twenty-first Legislative Assembly of Montana, 1929, Relating to the Production, Use, Sale Dispensing, and Possession of Mariahuana, or Any Derivative, and Making it a Felony for the Violation of the Provisions Hereof, and Repealing Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1 of Chapter 6 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana, 1929, be, and the same is hereby amended to read as follows:

Mariahuana
unlawful to
use, possess
or sell.

"Section 1. No person, save as in Section 3 hereof, shall use, possess, sell, furnish, or otherwise dispose of any mariahuana seeds or plants (also known as cannabis sativa, cannabis indica, or Indian hemp) or any derivative mixture or preparation thereof, for any purpose whatsoever."

Amending
clause.

Section 2. That Section 2 of Chapter 6 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana, 1929, be, and the same is hereby amended to read as follows:

Unlawful
for landlord
or tenant to
permit on
premises.

"Section 2. No person shall knowingly permit any mariahuana seeds or plants (also known as cannabis sativa, cannabis indica, or Indian hemp) or any derivative, mixture, or preparation thereof to be grown, used, possessed, sold, furnished, or otherwise disposed of save as in Section 3 hereof, on any premises of which he is the occupant or owner in fee or as lessor or lessee, renter or otherwise."

Section 3. That Section Four (4) of Chapter Six (6) of Session Laws of the Twenty-first Legislative Assembly of the State of Montana, 1929, be, and the same is hereby amended to read as follows: Amending clause.

“Section 4. Any violation of the provisions of this Act, or any part thereof shall be a felony and any person adjudged guilty thereof shall be punished by imprisonment in the State Penitentiary not less than one year and not more than five years or a fine of not less than Five Hundred Dollars (\$500.00), or more than One Thousand Dollars (\$1,000.00) or by both fine and imprisonment.” Penalty for violation.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 115

An Act Amending Section 835 of the Revised Codes of Montana of 1921, as Amended by Chapter 146, Laws of the Twenty-first Legislative Assembly of Montana, 1929, Relating to the Meetings and Expenses of the State Board of Education.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 835 of the Revised Codes of Montana of 1921, as amended by Chapter 146, Laws of the Twenty-first Legislative Assembly of Montana, 1929, be amended to read as follows: Amending clause.

“Section 835. **Meetings.** The board shall hold quarterly meetings, at the State Capital or at any other town or city in the State of Montana in or near which may be located any institutions under its jurisdiction, on the second Monday in April, July, September and December in each year, and may hold special meetings at any time and place it may direct. The president and secretary of the board may also call special meetings of said board Meetings of State Board of Education.

Special meetings.

at any time and place, if in their judgment necessity requires it. The secretary of the board shall notify the members of all regular and special meetings. The members of said board shall receive no compensation for their services but shall be allowed their actual expenses, incurred in attending the meetings of the board, which expense and all other expenses, on the certificate of the secretary of the board, shall be audited and approved by the State Board of Examiners, and paid by warrant of the State Auditor on the State Treasurer."

No compensation allowed.

Expenses allowable.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 116

An Act to Amend Section 1 of Chapter 19 of the Session Laws of the Twentieth Legislative Assembly of Montana of 1927, as Amended by Section 1 of Chapter 170 of the Session Laws of the Twenty-third Legislative Assembly of 1933, Defining the Terms Used in the Act Requiring the Payment of License Taxes by Gasoline Dealers.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 1 of Chapter 19 of the Session Laws of the Twentieth Legislative Assembly of Montana of 1927, as amended by Section 1 of Chapter 170 of the Laws of the Twenty-third Legislative Assembly of 1933, be, and the same is hereby amended to read as follows:

Definitions.

"Section 1. As used in this Act, the following definitions shall apply:

"Gasoline."

(1) The word 'Gasoline' means:

(a) The volatile substance produced from petroleum, natural gas, oil shales or coal heretofore sold under the name of 'Gasoline', and sold or used for producing motor

power for internal combustion engines or for producing power for propelling motor vehicles.

(b) Any other volatile product or substance of not less than forty-six degrees (46°) Taglianbes-Baume test sold or used for producing motor power for internal combustion engines or for producing power for propelling motor vehicles.

(c) Any other volatile substance, of less than forty-six degrees (46°) Taglianbes-Baume test, when actually sold or used to produce motor power to propel motor vehicles upon public highways or streets within the State of Montana; provided that the lawful tax on the kind of gasoline as defined by this Subsection (1-c) shall be collected from the owners or operators of motor vehicles by the State Board of Equalization under the provisions of rules and regulations issued by said board.

(2) The word 'Person' means any person, firm, association, joint stock company, syndicate or corporation. "Person."

(3) The words 'Motor Vehicle' mean all vehicles operated or propelled upon the public highways or streets of this state, in whole or in part by the combustion of gasoline. "Motor Vehicle."

(4) The word 'Use' shall include and mean the operation of motor vehicles upon the public roads or highways of the State of Montana, or of any political subdivision thereof. "Use."

(5) The word 'Import' shall include and mean to receive into any person's possession or custody first after its arrival and coming to rest at destination within the State of Montana of any gasoline shipped or transported into this state from point of origin without this state. "Import."

(6) The word 'Handle' means to produce, refine, manufacture or compound gasoline and use it or sell it in less than railway tank car lots, or to import gasoline into the State of Montana or to purchase gasoline within the State of Montana for sale or for one's own use, upon which the license tax herein imposed has not been paid. "Handle."

(7) The word 'Dealer' means and includes any person who engages in the business in the State of Montana of producing, refining, manufacturing or compounding "Dealer."

gasoline and using it or selling it in less than railway tank car lots, or of importing gasoline into the State of Montana or purchasing gasoline within the State of Montana for sale or for one's own use. Such gasoline, for the purpose of this Act, shall be deemed to be 'Handled' by such dealer."

State Board of
Equalization
to collect
tax when.

Section 2. The State Board of Equalization shall, under the provisions of rules and regulations issued by said board, collect a tax equivalent to the lawful tax on gasoline upon any other volatile liquid, of less than forty-six (46°) Taglianbes-Baume gravity test, when actually sold or used to produce motor power to propel motor vehicles upon public highways or streets within the State of Montana.

Section 3. This Act shall take effect upon its passage and approval.

Approved March 13, 1935.

CHAPTER 117

An Act to Amend Section 5308, Revised Codes of Montana, 1921, as Amended by Chapter 54 of the Session Acts of the Twenty-first Legislative Assembly of Montana of 1929, Relating to the Vacation of Plats in Abandoned Townsites, and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 5308, Revised Codes of Montana, 1921, as amended by Chapter 54 of the Acts of the Twenty-first Legislative Assembly of Montana of 1929, be, and the same is hereby amended to read as follows:

How plat may
be vacated.

"Section 5308. When there shall have been filed in the office of the County Clerk of any county of this state a plat of any village or townsite, or a plat of any vineyard tracts, acreage tracts, suburban tracts or community tracts designated in Section 4993, Revised Codes of Montana, 1921, and it is desired by the owners of said lands to vacate said plat, the County Commissioners of the county in which such plat is filed, upon petition of the

owners of all the lands described in said plat, and upon such conditions as may be reasonable, shall cancel and annul said plat and shall vacate the lots, streets, alleys, parks and boulevards, if any, described in said plat, and thereafter the designation of said property shall be by metes and bounds or by legal subdivisions if the circumstances may require and the same shall be assessed accordingly. If any post office, store or other business establishment shall be located within such platted area, that fact shall not prevent the cancellation and vacating of said plat in accordance with the terms of this Act, but, in all cases where it shall be necessary to designate the location of any such post office, store or other business property by metes and bounds for purposes of identification, such designation shall be made in the order to be entered by the Board of County Commissioners. Petitions under the terms of this Act shall be signed by all the owners of the land in such platted area, shall distinctly refer to the original plat for purposes of identification and shall disclose that the petitioners are the owners of all the lands described in said plat, and that no rights of any person have intervened since the filing of said plat which would be adversely affected by the cancellation and annulment thereof. Provided, however, that when only a portion or portions of any village or townsite in any unincorporated village or town is sought to be vacated or excluded therefrom and said portion or portions is not less than four blocks in area, and situated at the limits or boundaries of said village or townsite, a verified petition may be filed in the office of the Clerk of the District Court of the county where said village or townsite is situated by the owner or owners of all the property sought to be vacated or excluded, which petition shall be addressed to the district court of the said county, setting forth the description of the portion or portions sought to be excluded and the reason or reasons for desiring such portion or portions to be excluded. A citation shall thereupon be issued by the Judge of the Court before whom said matter is pending, citing all persons interested in said matter to appear before said court at a time and place specified in said citation, but at a time not less than three weeks from the date of said citation, which citation shall be published in a newspaper of regular circulation in the said county, or if no such

Business establishment not to prevent vacation of plats.

Contents of petition.

Procedure when only a portion of any unincorporated village or townsite is sought to be vacated.

Contents of petition.

Citation by judge to all interested persons.

Publication of citation.

newspaper is in said county, then in such a newspaper located in an adjoining county of the state, which citation shall be published once a week for two successive weeks before the date of said hearing. Upon the hearing of said petition and upon conditions that may seem reasonable, the court may vacate and exclude the portion or portions of said village or townsite as prayed for in said petition, including any streets, alleys, parks or boulevards upon which no public easement or easements shall vest, and such excluded property shall be described by metes and bounds in the decree of the court, and said property shall be assessed accordingly."

Hearing.

Vacation by
the court.

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect upon its passage and approval.

Approved March 13, 1935.

CHAPTER 118

An Act Relating to the Purchase by the United States of Lands Within the State of Montana for National Forest Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose.

U. S. author-
ized to pur-
chase lands
from state.

Section 1. For the purpose of more effectively cooperating with the United States in the consolidating and rounding out of National Forests in accordance with land use plans and to facilitate the placing of forest lands other than National Forest but which are integral with National Forest lands under stable protection and administration to the end of public benefit and to help land owners, including the counties of the state in their discretion, to dispose of such of their lands as may be needed for National Forest purposes, consent of the State of Montana is hereby given to the purchase by the United States of such lands in the State of Montana as in the opinion of the Secretary of Agriculture are needed for the purposes contemplated in Section 6 of the Act of Congress approved March 1, 1911, commonly known as,

and called, the Weeks Law, and/or Section 6 of the Act of Congress approved June 7, 1924, commonly known as the Clarke-McNary Law, and/or any other provisions of any Act of Congress authorizing the purchase of land for National Forest purposes, provided that the jurisdiction of the State of Montana, both civil and criminal, over persons upon areas acquired under this Act shall not be affected or changed by reason of their acquisition and administration by the United States, except so far as the punishment of offenses against the United States is concerned, and provided further that the state shall have the same jurisdiction in respect to such lands as it has in respect to other National Forest lands within the state, and further provided that all property rights, easements, and benefits retained by, or reserved to, owners of lands purchased by the United States shall be subject to the tax laws of the state.

State to retain civil and criminal jurisdiction over such lands.

Subject to tax laws of the state.

Section 2. All Acts or parts of Acts in conflict with this Act are hereby repealed to the extent of such conflict.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 119

An Act to Amend Section 2153 of the Revised Codes of Montana of 1921, as Amended by Chapter 182 of the Acts of the Twenty-third Legislative Assembly of the State of Montana, Relating to the Lien on Personal Property Taxes and Defining Priority of Personal Property Taxes as Applied to Real Estate and Permitting Payment and Redemption from the Lien Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2153 of the Revised Codes of Montana of 1921 as amended by Chapter 182 of the Acts of the Twenty-third Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Amending clause.

Personal
property
tax a prior
lien.

Also a lien on
real property.

When tax
shall be
lien on real
property.

When tax
shall not be
a lien on real
property.

County
Treasurer
to issue a
statement to
any mortgagee
or lien holder
of the personal
property tax.

How lien
may be
discharged.

Mortgagee or
lien holder to
file notice.

“Section 2153. **Lien of Personal Property Taxes.** (a) Every tax due upon personal property is a prior lien upon the particular property assessed, which lien shall have precedence over any other lien, claim or demand upon such property, but shall not extend to any other personal property of the owner thereof, and except as hereinafter provided, every tax upon personal property is also a lien upon the real property of the owner thereof, from and after 12 M. of the first Monday in March in each year. (b) The taxes upon personal property based upon a taxable value up to and including One Thousand Dollars (\$1,000.00) shall be a first and prior lien upon the real property of the owner of such personal property; taxes upon personal property based upon the taxable value thereof in excess of One Thousand Dollars (\$1,000) shall be a first and prior lien upon the real property of the owner unless the owner, or holder of any mortgage or other lien upon said real property appearing of record in the office of the Clerk and Ex-officio Recorder of the county where such real property is situated at or before the time such personal property tax attaches thereto shall have filed the notice hereinafter provided for, in which event the taxes upon such excess of One Thousand Dollars (\$1,000.00) of taxable value shall not be a lien on the real property of such owner. It shall be the duty of the County Treasurer to issue to any mortgagee or lien holder, upon his request, a statement of the personal property tax due upon the taxable value up to and including One Thousand Dollars (\$1,000.00); and personal property taxes upon a taxable value up to One Thousand Dollars (\$1,000.00) may be paid, redeemed from a tax sale as by law provided, or discharged separate from any personal property taxes in excess of such amount. Payment of such taxes upon a taxable value up to One Thousand Dollars (\$1,000.00) as herein provided, shall operate to discharge the tax lien upon the personal property of the owner to the extent of such payment in the order that the person paying such tax shall direct. (c) The holder of any mortgage or lien upon real property who desires to obtain the benefits of this section shall file in the office of the County Assessor and in the office of the County Treasurer of said county a notice giving: (1) the name and address of the mortgagee and holder of the mortgage or lien; (2) the name

of the reputed owner of the land; (3) the description of the land; (4) the date of record and expiration of the mortgage or lien; (5) the amount thereof; and (6) a statement that he claims the benefit of the provisions of this section; and such notice shall be ineffectual as to any taxes which shall have become a lien on real property prior to the filing of such notice as aforesaid. If the mortgage be not paid at maturity, such notice shall thereafter be filed annually, unless the mortgage be extended for a definite period to be stated in such notice. (d) Provided, that any owner of a mortgage on real estate upon which personal property taxes are by this Act made a lien, and where the owner of such real estate and personal property has failed to pay taxes due upon such real estate and personal property for one or more years, may file with the County Assessor of the county in which such property is located a written request to have the personal property and real estate of the owner separately assessed. Such request must be made by registered mail at least ten (10) days prior to the first Monday in March in the year for which property is assessed. Upon receipt by the Assessor of such request it is hereby made the duty of the County Assessor to make a separate assessment of real and personal property of the owner thereof and such personal taxes shall not be a lien upon the real estate so mortgaged of the owner thereof and the said personal property taxes shall be collected in the manner provided by law for other personal property."

Contents of.

Does not affect taxes which have become a lien before notice is filed.

Notice to be filed annually.

When mortgagee may have personal and real property separately assessed.

When request must be made.

Assessor to make separate assessment.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 120

An Act to Amend Section 1 of Chapter Fifty-two (52) of the Session Laws of Montana, Twenty-first Session, 1929, Relating to an Act to Establish a Game Preserve in a Portion of Judith Basin County, for the Protection

of Game, Animals and Birds, to be Known as Judith River Game and Bird Preserve, and Providing Penalties for the Killing, Hunting, Trapping and Pursuing Any Game Animals or Birds in Such Reserve, or the Carrying of Firearms Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1 of Chapter Fifty-two (52) of the Session Laws of Montana, Twenty-first Session, 1929, be, and the same is hereby amended to read as follows:

Judith River
Game and
Bird Preserve.

"Section 1. For the better protection and propagation of game animals and birds, the following described area in Judith Basin County, in the State of Montana, is hereby set aside as the Judith River Game and Bird Preserve.

Location and
description
of preserve.

Beginning at a point which is the intersection of the boundary of the Jefferson National Forest and the center of the Middle Fork of the Judith River, thence up the center of Middle Fork to the mouth of Lost Fork Creek, thence up the center of Lost Fork to the mouth of West Fork Creek, thence up the center of West Fork to the West boundary of Judith Basin County, thence Southeasterly along the boundary of Judith Basin County to the nearest point of the South Fork of the Judith River, thence to source of said South Fork, thence down the center of said South Fork to the intersection with the boundary of the Jefferson National Forest, thence North along the boundary of the Jefferson National Forest to the place of beginning."

Unlawful
to hunt game
animals or
birds.

Section 2. It shall be unlawful for any person to hunt for, trap, capture, kill or take, or cause to be hunted for, trapped, or killed any game animals or birds of any kind whatever, within the limits of the said preserve; or to carry or discharge any firearms, or to create any unusual disturbance, tending to or which may frighten or drive away any of the game animals or birds or to chase the same with dogs or hounds in said preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or for scientific purposes or to destroy mountain lions, wolves, foxes, coyotes, wild cats, or other predatory animals or birds,

Capture for
the purpose of
propagation
permitted.

or for carrying firearms, may be issued by the State Game Warden upon the payment of such fees, and in accordance with such regulations as may be established for the said preserve by the State Fish and Game Commission.

Destruction of
predatory
animals.

Section 3. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Three Hundred Dollars (\$300.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Penalty for
violations.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 121

An Act to Authorize the County Commissioners and the County Clerk to Execute on Behalf of the County a Release of Property Described in Any Seed Grain Contract Executed Under the State Drought Relief Act of 1918, Sections 4640 to 4679, Inclusive, Revised Codes of Montana, 1921, in Cases Where the Recovery of the Amount Due Under Such Contract Has Been Barred by the Statute of Limitations, and Repealing All Acts in Conflict Herewith.

WHEREAS, under the provisions of the Montana Drought Relief Act of 1918, Sections 4640 to 4679, inclusive, Revised Codes of Montana, 1921, numerous seed grain contracts have been executed by the several counties of the state under which the recipients of such loans have pledged to the county, real estate and personal property as security for the payment of the amount of such seed grain loans; and

Preamble.

WHEREAS, despite the fact that the amounts due under said seed grain contracts have in many instances

Preamble.

and in accordance with the provisions of the said Seed Grain Act, been entered upon the tax rolls of said counties as a so-called "tax" against the property described in said seed grain contracts, such so-called "taxes" are in truth and fact not taxes in the sense of being a contribution exacted by law for the support of the Government, but are rather private obligations owed by the several individuals who have contracted with the county for the purchase of seed grain; and

WHEREAS, said so-called "taxes" were placed on the tax rolls without any levy or assessment of the same in the manner provided by law for the levy and assessment of taxes and do not, either in their nature or in the manner of their creation, constitute taxes in any proper sense of that term; and

WHEREAS, the statute of limitations has long since run against many of said contracts so that no action could now be maintained on said obligations by the county or state; and

WHEREAS, said so-called "taxes", although barred by the said statute of limitations, are still a technical cloud on the title to said property, real or personal, described in said seed grain contracts, the removal of which can in no way prejudice the rights of the counties;

NOW THEREFORE, BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

County Commissioners authorized to release property from the lien of a seed grain contract upon which the statute of limitations has run.

Section 1. That in all cases where the eight (8) year statute of limitations provided by the Laws of Montana for limiting actions on contracts in writing, shall have run against the enforcement of any seed grain contract, note or obligation executed to any county under the provisions of the Montana Seed Grain Act of 1918, Sections 4640 to 4679, inclusive, Revised Codes of Montana, 1921, the County Commissioners of the several counties of the state, are hereby authorized and empowered to direct the County Clerk to execute and deliver on behalf of the county, a release of any real or personal property described in any such seed grain contract, from the lien of said contract and from the lien of any so-called "tax" which has heretofore been imposed upon said property, real or personal, under the provisions of said grain Act.

Section 2. For the purpose of carrying out this Act, the County Commissioners shall enter upon their minutes a brief description of the contract in question and an order directing the County Clerk to execute a release in accordance with the terms of this Act and the County Clerk shall thereupon be fully empowered, and it shall be his duty to execute such release on behalf of the county, the same to be acknowledged by him as required by law for the acknowledgment of grants of real property.

Procedure
for executing
the release.

Section 3. Nothing herein contained shall be deemed as a release, diminution, remittance or postponement of the said amount due the county under said seed grain contract, it being the intent of this Act merely to provide for the release and discharge of the technical cloud on the title to property, caused by such contracts in cases where the running of the statute of limitations has precluded the property of recovering the amount due the county.

Intent and
purpose
of Act.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 122

An Emergency Act Relating to the Granting of Relief From Mortgage Foreclosure and From Execution Sales of Real Estate; Providing for Extending the Period of Redemption From Said Mortgage Foreclosures and Execution Sales, and Designating the Procedure to Obtain Such Relief and the Authority of Courts in Relation Thereto; Limiting the Right to Maintain Actions for Deficiency Judgments; Extending the Expiration of Certain Periods of Redemption, and Repealing All Acts and Parts of Acts in Conflict Herewith.

WHEREAS, the severe financial and economic depression existing for several years past has resulted in extremely low prices for the products of the farms and

Preamble

factories, a great amount of unemployment, an almost complete lack of credit for farmers, business men and property owners and a general and extreme stagnation of business, agriculture and industry; and

Preamble.

WHEREAS, many owners of real property, by reason of said conditions, are unable, and it is believed, will for sometime be unable to meet all payments of taxes, interest and principal of mortgages on their properties as they come due and are, therefore, threatened with loss of such properties through mortgage foreclosure and judicial sales thereof; and

WHEREAS, many such properties have been and are being bid in at mortgage foreclosure and execution sales for prices much below what is believed to be their real values and often for much less than the mortgage or judgment indebtedness, thus entailing deficiency judgments against the mortgagor and judgment debtors; and

WHEREAS, it is believed, and the Legislature of Montana hereby declares its belief, that the conditions existing as hereinbefore set forth have created an emergency of such nature as justifies and validates legislation for the extension of the time for redemption from mortgage foreclosure and execution sales and other relief of a like character; and

WHEREAS, the State of Montana possesses the right under its police power to declare a state of emergency to exist; and

WHEREAS, the inherent and fundamental purposes of our Government is to safeguard the public and promote the general welfare of the people; and

WHEREAS, under existing conditions the foreclosure of many real estate mortgages in the manner now provided by law would prevent fair, open and competitive bidding at the time of sale as not contemplated by law; and

WHEREAS, it is believed, and the Legislature of Montana hereby declares its belief, that the conditions existing as hereinbefore set forth have created an emergency of such a nature as justifies and validates changes

in legislation providing for the temporary manner, method, terms and conditions upon which mortgage foreclosure sales may be had or postponed and jurisdiction to administer equitable relief in connection therewith may be conferred upon the district court; now therefore,

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Emergency Declared to Exist.** In view of the situation hereinbefore set forth, the Legislature of the State of Montana hereby declares that a public economic emergency does exist in the State of Montana.

Declaration
of an
emergency.

Section 2. **Period of Redemption May be Extended.** Where any mortgage upon real property has been foreclosed and the period of redemption has not yet expired, or where a sale is hereafter had, in the case of real estate mortgage foreclosure proceedings, now pending, or which may hereafter be instituted prior to the expiration of two years from and after the passage of this Act, or upon the sale of any real property under any judgment or execution where the period of redemption has not yet expired, or where such sale is made hereafter within two years from and after the passage of this Act, the period of redemption may be extended for such additional time as the court may deem just and equitable but in no event beyond March 1st, 1937.

Period of
redemption
after fore-
closure of a
mortgage on
real property
may be
extended.

Limit March
1, 1937.

Section 3. **Benefits of Act—How Invoked.** Any mortgagor or execution debtor or judgment debtor who is lawfully in possession of land or lands during the pendency of mortgage foreclosure proceedings, or at the time of sale of land under judgment or execution sale, may avail himself of the relief authorized by this Act in the following manner: At any time prior to the expiration of the period of redemption now provided by the Laws of Montana any such person may apply to the district court having jurisdiction of the matter, on not less than ten (10) days' written notice to the mortgagee or judgment creditor, which notice may be served on the attorney of record of either, for an order determining the reasonable value of the income of said property, or if it has no income, then the reasonable rental value of the property involved in such sale, and permitting the applicant for such relief, to pay all or a reasonable part

Who may
avail himself
of the relief
granted.

Procedure
for extending
period of
redemption.

Reasonable
value of income
of said prop-
erty or rental
value to be
determined
and paid.

of the income or rental value of said property, to be applied to the payment of taxes, insurance, interest or to the mortgage or judgment indebtedness, at such times and in such manner as shall be fixed and determined by the court, and to thereupon obtain an extension of the period of redemption in accordance with the terms of this Act.

Hearing.

Determination
by court of
reasonable
payments to
be made by
applicant.

Court orders.

Suspension of
period of
redemption.

Effect of
default in
payments
by applicant.

Request for
court order to
set aside
extension
granted.

Section 4. Hearing and Order of Court. The court shall thereupon hear said application and after taking testimony thereon, shall make and enter its order directing the payment by the applicant for relief under this Act of such an amount at such times and in such manner as to the court shall, under all the circumstances of the case, appear just and equitable, to be applied as in this Act provided. Such order to further contain such terms and conditions as to the care and operation of the mortgaged premises as to the court shall appear just and equitable.

Section 5. Suspension of Period of Redemption. Upon the filing of the application provided for in this Act and the service of the notice of same as herein provided, the running of the period of redemption shall be tolled until the court shall make its order upon such application.

Section 6. Effect of Default by Applicant. If at any time after the making of the order of court aforesaid, any applicant for relief under the terms of this Act shall make default in the payments or any of them specified in the court's order, or in performance of any of the terms and conditions of the court's order, or shall commit any waste upon the premises involved, such default or commission of waste shall constitute grounds for the revocation of said order and for the termination of the applicant's right to redeem said land. If such default or commission of waste shall continue for a period of thirty (30) days, the mortgagee, judgment creditor or other persons whose rights have been affected by such order, may upon not less than ten (10) days' notice to the applicant for relief under this Act, apply to the district court for an order adjudging the applicant to have defaulted in the performance of the court's order and for the revocation of said order and the restriction of the right of redemption to the period theretofore pro-

vided by law. Said applicant shall be heard and determined by the court who shall thereupon make and enter such order thereon as in its judgment the circumstances of the case warrant.

Section 7. Extension of Period of Redemption in Certain Cases. The time of redemption from all real estate mortgage foreclosures and from all execution sales of land heretofore made, which would under existing laws expire in less than thirty (30) days after the effective date of this Act, are hereby extended to a time thirty (30) days after the effective date of this Act, and any person who is entitled to relief hereunder, may avail himself of the benefits of this Act in relation to such foreclosure or execution sales at any time prior to the expiration of said thirty (30) day period.

All periods of redemption extended 30 days after the date this Act goes into effect.

Section 8. Court May Revise and Alter Terms. Upon the application of either party prior to the expiration of the extended period of redemption as provided in this Act and upon the presentation of evidence that the terms fixed by the court are no longer just and reasonable, the court may revise and alter said terms, in such manner as the changed circumstances and conditions may require.

Court may revise and alter terms, when.

Section 9. Certain Deficiency Judgments Prohibited. Until March 1, 1937, no deficiency judgment shall be entered or given in this state in any real estate mortgage foreclosure action now or hereafter pending in this state until the period of redemption now allowed by the laws of Montana or as extended under the provisions of this Act, has expired.

No deficiency judgment shall be granted upon a foreclosure until March 1, 1937.

Section 10. Application of Act. This Act as to mortgage foreclosures shall apply only to mortgages made prior to the passage and approval of this Act but shall not apply to mortgages made prior to the passage of this Act which shall hereafter be renewed or extended for a period ending more than one year after the passage of this Act; neither shall this Act apply in any way which would allow a resale, stay, postponement or extension to such time that any right might be adversely affected by a statute of limitations.

Scope of Act.

Not applicable
to mortgages
of U. S.
agencies nor
to mortgages
securing
public debts
or deposits.

Section 11. The provisions of this Act shall not apply to any mortgage while such mortgage is held by the United States or by any agency, department, bureau, board, instrumentality or commission thereof, as security or pledge of the maker, its successors, or assigns, nor shall the provisions of this Act apply to any mortgage held as security or pledge to secure payment of a public debt or to secure payment of the deposit of public funds.

Repealing
clause.

Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed but nothing herein contained shall be construed as repealing Chapter 116, Acts of Twenty-third Legislative Assembly of Montana or any part thereof.

Section 13. This Act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 123

An Act Relating to Tax Levies Made and Fixed by Boards of County Commissioners, City and Town Councils, and Commissions, and Other Boards and Commissions Authorized by Law to Make and Fix Tax Levies.

Be it enacted by the Legislative Assembly of the State of Montana:

Tax levies to
be made in
terms of mills.

Section 1. Every Board of County Commissioners, City or Town Council or Commission, and every other board or commission, authorized by law to make or fix tax levies for any purpose, shall make and fix every such levy in mills, and tenths and hundredths of mills.

Section 2. This Act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1935.

CHAPTER 124

An Act to Amend Section 4771 of the Revised Codes of Montana of 1921, Relating to the Duties of State Examiner and County Clerk.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4771 of the Revised Codes of Montana of 1921, be amended to read as follows:

Amending clause.

“Section 4771. **Must Permit State Examiner and County Clerk to Examine Books.** The Treasurer must permit the State Examiner and County Clerk or the Board of County Commissioners to examine his books and count the money in the treasury, whenever any of them may wish to make an examination or counting.

Examination of Treasurer's books and counting of money.

It shall be the duty of the County Clerk and Recorder at the close of business each month to count the cash in the office of the County Treasurer and to certify the same in detail to the State Examiner, retaining a copy of such certification in his office.”

County Clerk to count cash in Treasurer's office monthly.

Section 2. This Act shall take effect upon its passage and approval.

Approved March 13, 1935.

CHAPTER 125

An Act Providing for the Consolidation of County Offices, for the Filing of Petitions Asking for Such Consolidation and Prescribing and Defining the Powers and Duties of Boards of County Commissioners in Connection Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. At any time not later than seven (7) months before the date of any general election at which any of the county officers enumerated in Section 5 of Article XVI of the Constitution of this state are to be elected, a petition in writing may be filed with the Board of County Commissioners of a county asking for the consolidation of any two or more of said offices by the Board of County Commissioners of such county. Said petition shall be addressed to the Board of County Commissioners of such county, shall set forth and state the reasons why such consolidation is believed by the petitioners to be necessary, desirable or for the best interests

Time for consolidation.

Petition for consolidation.

Contents of petition.

Petition to
be signed
by 25% of
qualified
electors.

of the taxpayers of the county, and shall be signed by not less than twenty-five per centum (25%) of the qualified electors of such county whose names appear on the registration records thereof, and each person signing such petition shall place after his name his post office address and voting precinct.

County Clerk
to examine
petition.

Section 2. Upon the filing of any such petition the Board of County Commissioners shall cause the County Clerk to forthwith examine the same and the registration records of the county and if, after such examination, such County Clerk shall report to said Board of County Commissioners that such petition has been signed by at least twenty-five per centum (25%) of the qualified electors of the county whose names appear on such registration records, said board shall set a date for hearing such petition, which said date for hearing shall be not more than twenty days after the filing of such petition, and the County Clerk shall cause notice of such hearing to be published one time in the official newspaper of the county, which publication must be at least ten days before the date set for said hearing, and if there be no newspaper of general circulation printed and published in said county, then such notice must be posted by the County Clerk, at least ten days before the date set for such hearing, in three public places in the county. Said notice shall contain a copy of said petition, with the signatures omitted, shall state the time and place fixed for hearing the same, and that on such hearing any taxpayer of the county may appear and be heard in support of or in opposition to said petition.

Board of
County Com-
missioners to
set a date
for hearing.

Publication
of notice.

Contents
of notice.

Board to
hear and
determine.

Section 3. At the time designated in said notice, the County Commissioners shall proceed to hear said petition and the evidence for or against the same. Any taxpayer of the county shall have the right to appear and be heard upon said petition subject however to the right of the County Commissioners to limit cumulative testimony and to prevent the undue prolonging of said hearing. Within five days after the date set for said hearing the Board of County Commissioners shall make such order in relation to the consolidation of said offices as it shall deem proper.

Section 4. Nothing herein contained shall be deemed as limiting in any manner the discretion of the County Commissioners to consolidate the several offices named in the aforesaid article of the Constitution, without the filing of the petition provided for in this Act.

Does not limit right of Commissioners to consolidate without petition.

Section 5. Whenever a Board of County Commissioners shall make an order consolidating two or more of the offices enumerated in Section 5 of Article XVI of the Constitution such board shall enter such order in full on its minutes of proceedings and shall cause such order to be published in a newspaper of general circulation printed and published in said county for a period of six successive weeks next following the date of the making and entry of such order.

Board to publish order of consolidation.

Section 6. Whenever any such order is made consolidating two or more of such offices it shall be the duty of the officers holding and occupying such offices, at the end of their terms of office, to deliver and transfer to their successor, or successors, all of the books, files, papers, documents, maps, plats and records of such offices, and the officer or officers receiving the same shall make and deliver proper receipts therefor and shall thereafter be the custodian or custodians of such books, files, papers, documents, maps, plats and records and shall perform all of the duties and acts imposed on such consolidated offices as required of them by law and shall make and execute, with full legal force and effect, all certificates, official statements, official reports, affidavits and other instruments required to be made by the laws of this state by either or any of the officers whose offices have been so consolidated; provided, that if the laws of this state, or the rules, regulations, orders or directions of any officer or department of the state shall require each of two offices, which are consolidated, to keep duplicate or similar records, books, or accounts, after such consolidation such consolidated office shall keep but one set of such records, books or accounts.

Duty of officers to transfer books after consolidation.

Duty of officer to perform duties of both offices.

Duplicate records required of both offices dispensed with.

Section 7. When two or more offices are consolidated under a single officer such officer shall receive the highest salary provided by law to be paid to any officer whose duties he is required to perform by reason of such consolidation and shall give a bond in the same amount as would have been required of such officer.

Salary of officer after consolidation.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 126

An Act to Amend Section 10482 of the Revised Codes of Montana of 1921, as Amended by Chapter 12 of the Session Laws of 1927, and as Amended by Section 1 of Chapter 133 of the Laws of the Twenty-third Legislative Assembly of 1933, Relating to the Conditions of Allowance of Mothers' Pensions.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 10482 of the Revised Codes of Montana of 1921, as amended by Chapter 12 of the Session Laws of 1927, and as amended by Section 1 of Chapter 133 of the Laws of the Twenty-third Legislative Assembly of 1933, be, and the same is hereby amended to read as follows:

When an
allowance
for children
may be made.

"Mother"
defined.

Must be living
with mother.

Mother unable
to properly
provide for
children.

Mother must
be proper
person.

"Section 10482. The allowance herein referred to shall be made subject to the following conditions: (1) The child or children for whose benefit allowance is made must be living with the mother of such child or children; the word 'Mother' as used herein shall include the mother of such child by birth or by legal adoption and shall also include any woman possessing the other qualifications hereinafter specified, who shall, for a period of one (1) year or more, immediately prior to the application for relief under this Act, have provided the sole support for any child entitled to the benefits of this Act; (2) The allowance shall be made only when in the absence of such allowance, the mother is unable to properly provide and care for said child or children without being required to work regularly away from her own home and children, provided that the mother may be at times absent for work with the approval of the Board of County Commissioners of the county, if they should deem it for the best interests of said child or children; (3) The mother must, in the judgment of the Board of County Commissioners, be a proper person physically, mentally, and morally for the

bringing up of her children; (4) Such allowance shall in the judgment of the Board of County Commissioners be actually necessary for the support and maintenance of the child or children in the home; (5) No person shall receive the benefit of this Act who is not a citizen of the United States, or who has not declared her intention to become such citizen, and who shall not have been a resident of the county in which said application is made for at least one year prior to the making of such application for such allowance; (6) The provisions of this Act shall not apply in the case of any child who has property of its own sufficient for its support; (7) Application shall be made by the mother to the Board of County Commissioners by a petition setting forth the facts above required, and in addition thereto, the age and the residence of such child or children, the residence of the mother, and the financial conditions of such mother and child or children, which petition shall bear the signatures of at least ten (10) taxpayers, residents in the community where applicant has last made her home; that upon the filing of such petition, the Board of County Commissioners shall make personal investigation, or may designate the Bureau of Child and Animal Protection of the State of Montana, the county probation officers, or some other responsible resident of the county wherein the mother resides, to make a thorough investigation of all the facts of the case, and the Board of County Commissioners must make an order setting said petition for hearing at the next regular meeting of said board. At least five (5) days before the time set for the hearing, any person designated to make the investigation must file with the Board of County Commissioners his report under oath, and must appear at the hearing of said petition and testify in support of his findings and report, if required. Any person having any knowledge of the facts may appear at said hearing and be examined under oath as to such facts, and any taxpayer may appear at said hearing and file objection to the allowance of the application, and may be heard upon such objection at said hearing at the time fixed therefor in said notice or at any time to which said hearing may be continued; (8) Every person receiving an allowance under this Act shall every month file with the County Clerk and Recorder a report in writing upon blanks to be supplied by the county,

Allowance must be actually necessary.

Residence requirements of mother.

Child must not have property for support.

Application by mother, contents of.

Signature of 10 taxpayers necessary.

Board to investigate each case.

Hearing on application.

Report of investigation to be filed.

Taxpayer may file objections to allowance.

Persons receiving allowance to report on income and other matter monthly.

verified under oath, showing a detailed statement of all income of the family from whatever source for the preceding month, whether or not she has remarried, whether any of the children for whom she is receiving an allowance for support have died, or are not living with her, or are not being supported by her, her present place of residence, and the present place of residence of the children for whom she is receiving an allowance, whether any of such children have attained the age of sixteen (16) years or have acquired property sufficient for their support; provided, however, that if such person receiving allowance under this Act lives more than five (5) miles from the county seat, then said report need not be verified, but shall be sufficient if signed by the person receiving the allowance and two (2) witnesses; (9) It shall be the duty of the Board of County Commissioners to inspect the monthly report required by this Act, and when it shall appear from such report that the beneficiary is no longer entitled to the allowance, said order of allowance shall be revoked and set aside."

When report
need not be
verified.

Board to in-
spect reports.

Section 2. This Act shall take effect upon its passage and approval.

Approved March 13, 1935.

CHAPTER 127

An Act Recognizing the Liability of the State for the Public School Permanent Fund Under Section 3 of Article XI of the Constitution of the State, Acknowledging its Obligation Thereunder to Keep Such Public School Fund Inviolate and its Guarantee Against the Loss or Diversion of Any Part Thereof Including the Investments in State Farm Mortgage Loans; Providing for Assuming and Taking Over as the Property of the State Itself All Such State Farm Loans and All Lands Acquired by the State Under Such Loans Together With All Rights of the State in Connection Therewith, and Providing for the Repayment of the Amount Invested in Such Farm Loans Together With Interest.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. WHEREAS, the Fifteenth Legislative Assembly of the State of Montana duly enacted a law embodied in Chapter 124 of the Session Laws of the said Assembly, approved by the Governor on March 7, 1917, which law among other things makes it the duty of the State Board of Land Commissioners to make investments from the public school permanent fund in first mortgages on good improved farm lands in the State of Montana; whereas, under the provisions of this law and Acts amendatory thereof and supplementary thereto, the State Board of Land Commissioners invested funds belonging to the said public school permanent fund in farm mortgage loans during the years 1917, 1918, 1919, 1920, 1921, 1922 and 1924 in the total sum of Four Million Six Hundred Forty-eight Thousand Seven Hundred Fifty Dollars (\$4,648,750.00);

Preamble.

WHEREAS, the State Board of Land Commissioners has found it necessary to pay taxes on the lands given as security for such loans and to pay other expenses in connection with these loans in an aggregate amount exceeding Six Hundred Thousand Dollars (\$600,000.00) in order to protect the state against loss of such lands through tax deeds; whereas, all of the original farm mortgage loans now unpaid have become delinquent by reason of the failure of the mortgagors to pay principal and interest thereon as the same became due; and whereas, the State Board of Land Commissioners has found it necessary to secure title to more than eighty-five per cent (85%) of all the lands given as security for such loans through foreclosure or quit claim deeds; whereas, on the first day of January, 1935, the total unpaid principal invested in such farm mortgage loans including unrepaid taxes and other costs paid from the public school funds, exclusive of all unpaid accrued interest, amounted to the total sum of Four Million Two Hundred Fifty Thousand Six Hundred Twenty-five and 95/100 Dollars (\$4,250,625.95);

WHEREAS, the said Chapter 124 of the 1917 Session Laws, as amended, authorizing the investment of money from the public school permanent fund and from other trust funds of the state in farm mortgage loans, has been repealed by Chapter 139 of the 1933 Session Laws;

AND WHEREAS, under the provisions of Section 3 of Article XI of the Constitution of this state "such public school fund shall forever remain inviolate, guaranteed by the state against loss or diversion, to be invested, so far as possible, in public securities within the state, including school district bonds";

Recognition
by state of
its duty to
keep the public
school funds
inviolate.

NOW THEREFORE, be it enacted by the Legislative Assembly of the State of Montana that the state hereby recognizes its liability for such public school fund under the said Section 3 of Article XI of the Constitution; that it acknowledges its obligation thereunder forever to keep such public school fund inviolate and also its guarantee against the loss or diversion of any part of the said fund, including the aforesaid sum of Four Million Two Hundred Fifty Thousand Six Hundred Twenty-five and 95/100 Dollars (\$4,250,625.95) as of January 1, 1935.

State hereby
assumes all
farm mort-
gage loans.

Section 2. The state itself hereby assumes and takes over all of such farm mortgage loans now existing as such, all the lands taken over by the state under such mortgages through foreclosure proceedings and otherwise, together with all the tenements, hereditaments, and appurtenances thereunto belonging; all sale or resale contracts or certificates embracing such lands, and all rights, claims and demands whatsoever accruing to the state under and in connection with such farm mortgage loans; and the state hereby promises and agrees to repay to the public school permanent fund the said sum of Four Million Two Hundred Fifty Thousand Six Hundred Twenty-five and 95/100 Dollars (\$4,250,625.95) as of January 1, 1935, together with interest on the balance remaining from time to time unpaid at the rate of two per centum (2%) per annum, from the proceeds of such farm mortgage loans and lands and from such other sources other than that the state general fund as the Legislative Assembly may provide.

State promises
to repay to
school fund
from proceeds
of such mort-
gage loans
and from
other sources.

Department
of State Lands
and Invest-
ments to con-
tinue to ad-
minister.

Section 3. All of the said farm mortgage loans and the lands taken over by the state under such loans, all sales and resale contracts or certificates and leases embracing such lands shall continue to be administered by the Department of State Lands and Investments as heretofore; and nothing contained in this Act shall be so construed as to change or affect the liabilities or rights

of the mortgagors or their successors in interest, or purchasers, repurchasers, or lessees, of any of the lands taken over by the state under such mortgages; the status of the said mortgagors, successors in interest, purchasers, repurchasers and lessees shall not in any way be affected by this Act.

Status of mortgagors and others not affected.

Section 4. The State Treasurer, the State Auditor and the Commissioner of State Lands and Investments shall in addition to the present farm loan account showing the unpaid balance on such loans, set up on their respective books and records an account to be known as the state farm loan sinking fund.

State Farm Loan Sinking Fund.

Section 5. All receipts from such farm mortgage loans as payment on principal or interest or otherwise; all receipts from such purchasers or repurchasers on principal and interest; all receipts from lessees as rentals or otherwise; and all other receipts whatsoever arising from or in connection with such farm mortgage loans and the lands taken over by the state under such loans shall be paid over to the State Treasurer by the Commissioner of State Lands and Investments in the same manner as other moneys received by the Department of State Lands and Investments are paid over to the State Treasurer and shall be placed in the state farm loan sinking fund.

All receipts to be placed in State Farm Loan Sinking Fund.

All other moneys received by the State Treasurer from any other source other than that of the state general fund provided by the Legislative Assembly for the repayment to the public school permanent fund of the aforesaid amount invested in state farm mortgage loans shall also be placed in the said state farm loan sinking fund.

All other funds to go into above fund.

Section 6. The State Board of Land Commissioners is hereby specifically authorized to audit and order to be paid claims against the state for taxes upon lands under mortgage to the state when it becomes necessary to pay such taxes in order to prevent loss of title to the land; also to audit and order to be paid claims for costs of foreclosure, Sheriff fees, costs of abstracts and advertising costs in connection with the foreclosure of such mortgages when it finds the payment thereof to be absolutely necessary in order to protect the interests of the state. No such payment shall be made unless duly authorized by the said board.

Board to authorize payment of taxes and costs of foreclosure.

How paid.

All such claims when audited and ordered to be paid by the board shall be paid from the state farm loan sinking fund.

State Treasurer to transfer to Public School Fund the interest due quarterly.

On the last day of March, of June, of September, and of December, of each year the State Treasurer shall transfer from the state farm loan sinking fund to the public school interest and income fund a sum equal to the interest then accrued and unpaid on the balance of the aforesaid sum of Four Million Two Hundred Fifty Thousand Six Hundred Twenty-five and 95/100 Dollars (\$4,250,625.95) figured at two per centum (2%) per annum if sufficient money is available. He shall at the same time transfer to the public school permanent fund the balance of the money in the state farm loan sinking fund, and he shall notify the State Auditor and the Commissioner of State Lands and Investments of all such payments.

Balance of funds to be transferred.

Repealing clause.

Section 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 8. This Act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

Approved March 13, 1935.

CHAPTER 128

An Act Validating, Ratifying, Approving and Confirming Bonds and Other Instruments or Obligations Heretofore Issued by Public Bodies of This State for Public Works Projects.

Be it enacted by the Legislative Assembly of the State of Montana:

Title.

Section 1. This Act may be cited as "The 1935 Bond Validating Act."

Definitions.

Section 2. The following terms, wherever used or referred to in this Act, shall have the following meaning:

"Public Body."

(a) The term "Public Body" shall include a county, city, town, school district, irrigation district, drainage district, special improvement district, or any other polit-

ical or governmental subdivision of the State of Montana, and shall also include the State Board of Education, the State Board of Examiners, the State Water Conservation Board, the State Highway Commission, or any other governmental agency of this state.

(b) The term "Bonds" shall include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on specific revenues, income or property of a public body, including all instruments or obligations payable from a special fund.

Section 3. All bonds heretofore issued for the purpose of financing or aiding in the financing of any work, undertaking or project by any public body to which any loan or grant has heretofore been made by the United States of America through the Federal Emergency Administrator of Public Works for the purpose of financing or aiding in the financing of such work, undertaking or project, including all proceedings for the authorization and issuance of such bonds, and the sale, execution and delivery thereof, are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such public body, or the governing board or commission or officers thereof, to authorize and issue such bonds, or to sell, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings, or in such sale, execution or delivery; and such bonds are and shall be binding, legal, valid and enforceable obligations of such public body.

All bonds issued for projects to which Federal agencies have made grants or loans validated.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 129

An Act to Amend Section 6170 and Section 6183 of the Revised Codes of Montana, 1921, as Amended by Chap-

ter 73, Session Laws of 1931, Relating to Rural Mutual Fire Insurance Companies, Providing the Method of the Organization of Such Companies, the Number of Members Thereof and the Property to be Insured; Providing for the making of Reports to the State Auditor; the Form and Contents of Such Report, the Issuance of a Certificate of Authority to Continue Business; Providing for an Examination Fee and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 6170 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Number
required
to organize
company.

Mutual hail
insurance.

Mutual fire
insurance
and casualty
insurance.

School district
not to be a
member of
insurance
corporation.

Contract not
to be invalid
because offi-
cers of insur-
ance company
are also offi-
cers of school
district.

“Section 6170. **Who May Form Company.** Any number of members, not less than one hundred (100), residing in the State of Montana, who collectively own not less than five thousand (5,000) acres of grain, which they desire to have insured, may form an incorporated company for the purpose of mutual insurance of growing crops against loss or damage by hail; any number of persons not less than one hundred (100), residing in the State of Montana, may form an incorporated company for the purpose of mutual insurance of farm buildings, including the usual contents therein, farm livestock, machinery and vehicles, and other forms of farm property, rural school buildings, rural community houses and churches, against loss or damage by fire or other casualty. Provided that no such contract of insurance effected upon the property of any school district shall be deemed to constitute such school district a member of such mutual insurance corporation. Nor shall any such contract of insurance be invalid by reason of the fact that the directors or any director or officer of such mutual insurance corporation, at the time of issuing the contract or policy of insurance, is a trustee, director, agent, custodian or manager, or otherwise in control, supervision or management of such school house and building, community house, church or other rural public building or property so insured; and provided, that no property situated within the limits of incorporated towns or cities shall be subject to such insurance.”

Section 2. That Section 6183 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

“Section 6183. **Examination of Company.** It shall be the duty of the president and secretary of every such company, on the first day of January of each year, or within a month thereafter, to prepare under oath and transmit to the State Auditor a statement of the condition of the company on the last day of the month preceding, which said statement shall exhibit the names of the president and secretary, the date of annual meeting, the amount of insurance in force, the number of members, the number and amount of assessments made during the year, the amount paid in losses, the amount of the losses claimed and not paid, with the reasons for non-payment, the number of persons withdrawn, suspended, or expelled, the number of new members admitted, the expense during the year, and the amount of money on hand; if, upon examination, the State Auditor finds that such company is doing business in accordance with the provisions of this Act, he must thereupon furnish the company a certificate, of authority to continue business during the ensuing year. For such examination and certificate of approval the company shall pay to the State Auditor Ten Dollars (\$10.00) which shall be paid into the State Treasury and applied to the general fund. No agent of any corporation organized under the provisions of this Act shall be required to pay any fee or obtain any license for the transaction of corporation business.”

Amending clause.

Statement to be annually submitted to State Auditor.

Contents of.

When Auditor shall issue certificate of authority to continue business.

Fee for examination.

No fee for agent.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 130

An Act to Amend Section 2 of Chapter 33 of the Session Acts of the Twentieth Legislative Assembly of Montana of 1927, Relating to the Exclusion of Territory

From the Corporate Limits of Cities and Towns, and Providing for the Vacation of Streets, Alleys, Avenues and Public Places Upon the Exclusion of Such Territory.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2 of Chapter 33 of the Session Acts of the Twentieth Legislative Assembly of 1927, be, and the same is hereby amended to read as follows:

Petition for
exclusion or
vacation.

“Section 2. A petition in writing signed by a number of the qualified electors residing within the corporate limits of such city or town, equal to a majority of the votes cast at the last city election held therein, or by the owners of not less than three-fourths in value of the territory sought to be excluded, shall be filed with the Clerk of such city or town. Such petition shall set out and describe the territory to be excluded from the corporate limits, which territory must be on the border of such city or town, and the alteration of the boundaries desired by the petitioners, together with the boundaries of the city or town as it will exist after such change is made, and shall pray that the council of such city or town shall enact a resolution altering the boundaries of such city or town and excluding therefrom the territory therein described. Said petition shall also describe the streets, alleys, avenues and public places, if any, in the territory sought to be excluded, and shall distinctly specify which of said streets, avenues, alleys or public places are to be retained for the use of the public after the territory has been excluded from the corporate limits of such city or town. Such petition shall be presented to the council of such city or town at the next regular meeting after the filing thereof. If said council by resolution, duly and regularly passed and adopted, shall find that said petition is signed by the requisite number of qualified electors of said city or town, or by the owners of not less than three-fourths in value of the territory to be excluded, and that the territory petitioned to be excluded is within the corporate limits and on the border thereof, and that the granting of said petition will be to the best interest of such city or town and the inhabitants thereof, and will not materially mar the symmetry of such city or town, the City or Town Clerk of such

Where filed.

Contents of.

When petition shall be
presented.

Council to
examine.

Resolution to
be adopted.

city or town shall forthwith cause to be published in the newspaper nearest such territory petitioned to be excluded, at least once a week for two successive weeks, a notice which shall be to the effect that such resolution has been duly and regularly passed and that for a period of twenty days after the first publication of such notice, such City or Town Clerk will receive expressions of approval or disapproval, in writing, of the proposed alterations of the boundaries of such city or town by the exclusion of the territory petitioned to be excluded, from the owners of the territory proposed to be excluded. The Clerk shall, at the next regular meeting of the city or town council, after expiration of the said twenty days, lay before the same all communications in writing by him so received for its consideration, and if, after considering the same, such council shall duly and regularly pass and adopt a resolution to that effect, the boundaries of such city or town shall be altered so as to exclude the territory described in said petition. Said resolution shall also describe the streets, avenues, alleys and public places in said excluded territory which are to be vacated and abandoned and, upon the filing of the certified copy of the resolution as hereinafter provided, all such streets, avenues, alleys and public places, unless expressly excepted in said resolution, shall be deemed to be vacated and abandoned and the title thereto shall revert to the owners of the adjacent property. Such resolution shall not be finally adopted by such council after written disapproval by a majority of the owners in value of the territory proposed to be excluded, nor after written disapproval or protest by a majority of the owners in value of property within the corporate limits of said city or town immediately adjacent and contiguous to the territory sought to be excluded. That for the purposes of this Act the words 'Contiguous' and 'Adjacent' shall include property on the opposite side of a street or alley from the property sought to be withdrawn."

Notice of adoption of resolution to be published.

Time in which written objection may be filed.

Council to consider objections and approvals.

Resolution to be finally adopted.

Contents of.

Upon filing they shall be deemed vacated.

When resolution shall not be adopted after protests have been filed.

"Contiguous" and "Adjacent" defined.

Section 2. This Act shall take effect upon its passage and approval.

Approved March 13, 1935.

CHAPTER 131

An Act to Amend Section 4584 of the Revised Codes of Montana of 1921, as Amended by Section 2 of Chapter 133 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, Relating to the Method of Assessing the Cost of Improvements in Rural Improvement District.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 4584 of the Revised Codes of Montana of 1921, as amended by Section 2 of Chapter 133 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, be, and the same is hereby amended to read as follows:

Method of
assessment
to defray cost
of assessments.

“Section 4584. **Assessment of Property—Apportionment of Costs—Railroads.** To defray the cost of making any of the improvements provided for in this Act, the Board of County Commissioners shall adopt the following method of assessment: The Board of County Commissioners shall assess the entire cost of such improvements against the entire district and each lot or parcel of land assessed in such district to be assessed with the percentage of the whole cost which its assessed valuation as determined by the last preceding assessment roll of the county bears to the total assessed value of all the property in the district; provided, however, that the Board of County Commissioners in its discretion shall have the power to pay the whole or any part of the cost of any street, avenue or alley intersection out of any funds in its hands available for that purpose, or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district. In order to apportion the cost of any of the improvements herein provided for, between the corner lots and inside lots of any block, the Board of County Commissioners may in the resolution creating any improvement district provide that whenever any of the improvements herein provided for, water systems excepted, shall be along any side street or abutting upon the side of any corner lot or block, that the amount of the assessment against the property in said district to defray the cost of such improvements shall be so assessed that such

Board may pay
whole or any
part of costs
when.

Apportionment
of costs be-
tween corner
and inside lots.

corner lot or block shall bear double the amount assessed against any inside lot of equal area. Whenever any portion of the surface of a street is kept or used by any person, firm or corporation for railroad or for street railway purposes, the cost and expense of making such improvements between the rails and for one foot on each side thereof shall be paid by the person, firm or corporation owning such railroad, and where double tracks of railroads are laid, such person, firm or corporation shall pay the costs of making such improvement or improvements between such tracks and between all switches and spurs."

Cost of improvements, how figured as to railroads or street railroads.

Section 2. This Act shall take effect upon its passage and approval.

Approved March 13, 1935.

CHAPTER 132

An Act to Permit Irrigation Districts That Have Borrowed Money from the United States, to Change the Boundaries of Said District, With the Consent of the Land Owners and the Secretary of Interior of the United States, by Eliminating Certain Lands and Providing the Procedure for Such Elimination.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The boundaries of any irrigation district, established and organized under the laws of the State of Montana and which district is indebted to the United States for money loaned said district, may be changed in the manner hereinafter prescribed; provided such change in boundaries of said district shall not impair or affect its organization or its rights in or to property or any of its rights or privileges of whatsoever kind or nature.

When district may change boundaries.

Section 2. Whenever lands have been included within the boundaries of any irrigation district of the character designated in Section 1 of this Act which from their location or confirmation cannot be successfully irrigated by the irrigation works or system constructed for that purpose, or when the cost of irrigating the same has or

When lands may be eliminated from district.

will become burdensome upon the land owners of the district, the owners of said lands with the consent of the Board of Commissioners of said district and the Secretary of Interior of the United States or such other Federal authority, instrumentality or agency as may be appropriate may petition the district court of the county in which such lands are situated, for an order or decree changing the boundaries of the district by the elimination therefrom of such lands. The petition for this purpose must be signed by the owners of the land sought to be excluded and accompanied with the written consent of the Board of Commissioners of the district and the Secretary of the Interior of the United States or such other Federal authority, instrumentality or agency as may be appropriate. Such petition shall set forth:

Petition by land owner to the district court.

Petition must be accompanied by written consent of local board and the Secretary of the Interior.

Contents of petitions.

A. The name of the district.

B. A particular description of the lands sought to be excluded or eliminated from the district.

C. The names of the holders of title to the lands sought to be excluded.

D. A brief description of the character of works, water rights, canals or works owned and acquired by the district.

E. A statement of the reasons why the lands sought to be excluded should be eliminated from the district.

F. A prayer for the exclusion of the lands sought to be eliminated therefrom.

Map and bond to accompany petition.

The petition shall be accompanied with (1) a map or plat of the district, showing thereon the lands sought to be eliminated therefrom, and (2) a good and sufficient bond or undertaking to be approved by the district court or judge thereof of the county in which the petition is required to be filed under the provisions hereof, to pay all costs in and about the proceedings and hearing thereof in the event that said petition is denied.

Court to fix time for hearing petition.

Notice of time and place to be published.

Section 3. On such petition being filed the district court or judge thereof shall make an order fixing the time and place of hearing same and directing that notice thereof be given. Thereupon the Clerk of said Court shall cause to be published at least once a week for two

successive calendar weeks, in the official newspaper of the county where said petition is filed, a notice stating the time and place by the district court fixed when and where the hearing on said petition will be had and containing a brief statement of the matters set forth in said petition and the object thereof; if any portion of the lands sought to be excluded from the district lie within any other county or counties then said notice shall also be published as above provided in the official newspaper of such other county or counties. The first publication of said notice shall be not less than thirty days prior to the time mentioned in said notice for said hearing.

When publication must be in several counties.

Time for publication.

Section 4. At the time specified in the notice, the district court in which the petition is filed shall hear the petition, but may adjourn such hearing from time to time not exceeding two (2) weeks in all. The court upon application of the petitioners shall permit the petition to be amended, and may order further or additional notice to be given. Upon such hearing, all persons interested whose lands or rights may be damaged or benefited by the granting of the petition or the exclusion of the lands from the district may appear and contest the same, and the contestants and petitioners may offer any competent evidence in regard thereto.

Hearing on petition.

Amendment of petition permissible.

Contestants to appear.

Section 5. The court may grant such petition in whole or in part, and may make an order making such changes in the boundaries of the district by the exclusion of such lands therefrom as the court may deem advisable, or as fact, right and justice may require. Upon making such order excluding any lands from the district the lands so excluded shall not be liable for further assessments by the district authorities for any purpose and shall be without right to claim any interest in the water rights, canals or other property of the district.

Court may grant petition in whole or in part.

Effect of order of exclusion.

Section 6. Such order shall be conclusive upon all owners of lands within the district and shall be final unless appealed from to the Supreme Court within sixty (60) days from the entry of said order. For the purpose of such appeal, such order shall be regarded as a final judgment of said district court. A copy of said order duly certified by the Clerk of Court shall be filed for record within thirty (30) days after such order is made

Appeal, time for.

Order to be filed with Clerk and Recorder.

and entered with the County Clerk and Recorder of the county wherein lands included within such district are situated.

Supplemen-
tal Act.

Section 7. This Act is intended to supplement but not to repeal or to change in any way the procedure authorized by Section 7188, Revised Codes of Montana, 1921, in relation to changing the boundaries of irrigation districts.

"Owners"
defined.

Section 8. The term "Owners" as used in this Act, shall include any executor, administrator, trustee of an express trust, and the guardian of any ward. The singular shall include the plural and the masculine the feminine.

Singular in-
cludes plural.

Repealing
clause.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 133

An Act to Authorize the Erection of a Journalism Building for the Montana State University at Missoula, to Authorize the Procuring of Funds for the Construction of Said Building From the United States, and to Authorize the Transfer to the United States of Title to the Ground Upon Which the Said Building is to be Erected and to Authorize the State Board of Education to Enter Into a Contract With the United States or With Any Properly Constituted Person or Body Representing the United States, for the Financing and Erection of Said Building, and for Compensation to the United States for the Use of Said Building Through the Payment of Rental, or Otherwise, as May be Required by the Laws of the United States, or Regulations Adopted Thereunder, and Generally to Authorize the State Board of Education to Enter Into Such Contract or Contracts With the United States as May be Required by the United States for the Procuring of the Necessary Money to Pay for the Construction of

Said Building, and to Enter Into Proper and Appropriate Contracts With Contractors, Builders, and Others, for the Erection of Such Building, and to Provide That Such Contract or Contracts Shall Not be, and Never Shall Become, a Charge Against the State of Montana, or Create a Liability, Debt or Obligation of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Board of Education is authorized to erect a Journalism Building at the Montana State University at Missoula, at a cost not to exceed Two Hundred Thousand Dollars (\$200,000.00) for said building, for the purpose of providing the necessary class rooms, laboratories, offices, and other accommodations for the Department of Journalism, and for such other purposes as in the judgment of the State Board of Education may be required for the proper conduct, management and operation of said departments.

Authorization
for erection
of a Jour-
nalism Build-
ing at Uni-
versity.

Section 2. In carrying out the above powers, said board may enter into a contract or contracts with the United States of America, or with any department, officer, agency or representative thereof, for the purpose of procuring from the United States the funds and moneys necessary for the erection of said building. To that end the board may enter into such contracts or other arrangements as the laws of Congress hereafter enacted, or regulations adopted pursuant thereto, may require for the purpose of procuring Federal funds for the erection of said building, and the said State Board of Education is authorized to make such contracts in such form as may satisfy the requirements of the United States in respect thereto, the purpose and intent of this Act being to confer upon the State Board of Education full power to take advantage, for the State of Montana and for said Montana State University, of such benefits and advantages as may be obtainable under the Acts of Congress now contemplated and in process of enactment for the purpose of providing employment and the financing of public works, and to that end there is hereby conferred upon the State Board of Education full power to make such contracts and do such things as may be required to procure the erection of said building, from funds pro-

Power of
board to con-
tract with
agencies of
U. S. for
the purpose
of procur-
ing money.

vided by Congress under any public works program that may hereafter be enacted by Congress.

Power of board to convey land upon which the building is to be erected to U. S.

Section 3. Without in any manner limiting or qualifying the means to be adopted, or the things to be done by the said State Board of Education to accomplish and effectuate the erection of said building, it is hereby provided that the said State Board of Education shall have power, if required so to do, to cause to be conveyed to the United States title to the ground upon which said building may be erected, and to contract with the United States, or the proper representatives or agencies thereof, for the payment to the United States of rental or other compensation for the use of said building, and in that connection the said State Board of Education may procure for and on behalf of the State of Montana the option, on such terms as may be acceptable to the United States, to purchase and acquire title to the said building and the ground upon which the same may be erected.

Montana may procure an option to purchase title to building.

State not to be liable.

Section 4. No contract or obligation entered into or created hereunder shall ever be, or become, a charge against or obligation, debt, or liability of the State of Montana, but all obligations for the payment of money shall be payable solely from such funds as may be available from time to time to the State Board of Education for operation and maintenance of the said Montana State University. Nothing in this Act shall be so construed as in anywise to hold the State of Montana liable for the payment of contracts or other obligations herein authorized. Provided, however, that the State Board of Education shall make provisions for the maintenance of this building.

Obligations to be paid from University funds.

Purpose of Act.

Section 5. It is hereby declared to be the purpose of this Act to confer upon the said State Board of Education the full power to do all things and acts not in conflict with the Constitution of the United States, or the Constitution of the State of Montana, which said State Board of Education may find necessary or reasonably adapted to accomplish the object herein specified, viz., the erection of the said building for the Montana State University at Missoula, and if any part or portion of this Act should be found or declared to be unconstitutional, the remainder of this Act shall in nowise be in-

Saving clause.

validated or nullified, but the decision as to the unconstitutionality or invalidity of any portion of this Act shall be confined to such portion, and shall not extend to or involve the remainder of this Act, which shall be given full force and effect.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 134

An Act for the Prevention of the Sale or Giving Away, Except by Licensed Practitioners of Medicine, Osteopathy or Other Licensed Practitioners of the Healing Arts and of Licensed Pharmacists, of Contraceptive Devices, or Other Articles, Devices, or Appliances Designed for That Purpose or for the Purpose of Preventing Venereal Disease, or Sex-inciting Devices, and Authorizing Officers of the Law to Make Arrests for Violation of the Act, and to Seize Stocks of Such Articles Unlawfully Held or Offered for Sale, and Prescribing a Penalty for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any person, firm, corporation, co-partnership, or association to sell, offer for sale, or give away, through the medium of vending machines, personal or collective distribution, by solicitation, peddling or in any other manner whatsoever, contraceptive devices, prophylactic rubber goods, articles for the prevention of venereal diseases, and other infections, or any sex-inciting devices or contrivance in the State of Montana. The foregoing provisions shall not apply to regularly licensed practitioners of medicine, osteopathy or other licensed persons practicing other healing arts, and registered pharmacists of the State of Montana, nor to wholesale drug jobbers or manufacturers who sell to the retail stores only.

Unlawful to sell or dispose of contraceptive devices.

Certain licensed persons not within prohibition.

Section 2. It shall be unlawful to exhibit or display prophylactics or contraceptives in any show window, upon the streets, or in any public place other than in

Unlawful to exhibit or advertise contraceptives.

the place of business of a licensed pharmacist, or to advertise such in any magazine, newspaper or other form of publication, originating in, or published within the State of Montana; to publish, or distribute from house to house or upon the streets, any circular, booklet or other form of advertising, or by other visual means, or by auditory method or by radio broadcast; or by the use of outside signs on stores, billboards, window displays or other advertising visible to persons upon the streets or public highways; provided, however, that nothing in this Act shall prevent the advertising of prophylactics or contraceptives in the trade press of those magazines whose principal circulation is to the medical and pharmaceutical professions; or to those magazines and other publications having interstate circulation, originating outside of the State of Montana where the advertising does not violate any United States law or Federal postal regulation; nor to the furnishing within the store or place of business of a licensed pharmacist, to persons qualified to purchase, and then only upon their inquiry, such printed or other information as is requisite to proper use in relation to any merchandise coming within the provisions of this Act.

Exception.

Duty of officers to enforce.

Seizure of stock and vending machines.

Penalty for violations.

Justice and district courts to have concurrent jurisdiction.

Section 3. Any officer of the law shall have the power to cause the arrest of any person violating any provisions of this Act; to seize stocks so illegally held, and to make seizure of any mechanical device or vending machine containing any merchandise coming within the provisions of this Act, holding the owner of such machine, the occupier and the owner of the premises where seizure is made, to be in violation of this Act.

Section 4. Any person, or any member of a firm, or co-partnership, or the officers of a corporation or association who, or which knowingly violates any of the provisions of this Act shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment of, not to exceed six (6) months in the county jail, or both; provided, however, that the justice of the peace courts and the district courts of the state shall have concurrent jurisdiction in all prosecutions and causes arising under this Act.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY CHAPTERS 134-135-136

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 135

An Act Extending to June 1, 1937, the Period of the Public Works Emergency Relief Program Authorized by Chapter 24 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of 1933-1934, and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That as an emergency measure, the effective period of Chapter 24 of the Laws of the Extraordinary Legislative Assembly of Montana of 1933-1934 be, and the same is hereby extended to June 1, 1937, and that all the provisions of said Act shall be and remain in full force and effect until the date aforesaid, on which date said Act shall cease to be operative. Any and all Acts authorized by said Chapter 24 may be undertaken or done by any of the political subdivisions or governmental agencies of the state therein enumerated until June 1, 1937. Nothing herein contained shall be construed as limiting or in any manner affecting any legislation enacted by this Legislative Assembly relating to the powers, duties and authority of the State Water Conservation Board.

Chapter 24 of
the Laws of
the Extraordi-
nary Session
of 1933-34
extended to
June 1, 1937.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This Act shall take effect upon its passage and approval.

Approved March 13, 1935.

CHAPTER 136

An Act to Amend Section 2, Chapter 18, of the Extraordinary Session Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933-1934, to Re-

move the Limitation on the Period of Time During Which the Oil Conservation Board of the State of Montana Shall be in Existence.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2, Chapter 18, of the Extraordinary Session Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933-1934, be, and the same is hereby amended to read as follows:

Oil Conser-
vation Board.

Number of
members and
term of office.

“Section 2. There is hereby created and established an Oil Conservation Board of the State of Montana to be known as ‘Oil Conservation Board of the State of Montana’; said board shall consist of five (5) members to be appointed by the Governor, but may be removed by him at any time. They shall serve for two (2) years and until their successors are appointed and qualified; provided, however, that any vacancy shall be filled by appointment in the manner prescribed by the Constitution.”

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 137

An Act to Amend Section 2 of Chapter 51 of the Session Acts of the Twenty-first Legislative Assembly of Montana of 1929, Relating to Expenditure by Counties for the Acquisition and Maintenance of Parks for Public Camping and Recreational Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2 of Chapter 51 of the Session Acts of the Twenty-first Legislative Assembly of Montana of 1929, be, and the same is hereby amended to read as follows:

Use of lands
for camps
and parks.

“Section 2. All tracts of land acquired under this Act shall be set aside and used exclusively for public camping and recreational purposes, and each park so established shall be given an appropriate name or number.

Except as hereinafter provided, no county shall be authorized to expend to exceed Two Hundred Fifty Dollars (\$250.00) for the purpose of acquiring and equipping parks as herein provided, nor may any county thereafter expend to exceed Fifty Dollars (\$50.00) per year in maintenance of the same. The limitations hereinabove provided shall not apply to counties of the first, second, third, fourth and fifth classes. Any county, whatever its classification, may expend not to exceed Three Hundred Dollars (\$300.00) per year for maintaining any park created under the terms of this Act, if, at the time of such expenditure, any Government Civilian Conservation Corps camp or emergency conservation work camp, or any other camp created for recreational purposes by any Federal agency, shall be established or maintained in such county."

Limitation on expenditure of money for such purposes.

Expenditure where CCC or other Federal agencies are maintained in such county.

Section 2. This Act shall take effect upon its passage and approval.

Approved March 13, 1935.

CHAPTER 138

An Act to Authorize Cities, Towns and Incorporated Villages and the State, its Subdivisions and Agencies to Cooperate With Housing Authorities and the United States of America by Rendering Services, Conveying or Leasing Property, and Providing for Streets, Roads and Other Facilities; to Require Any City of the First or Second Class Located Within a Housing Authority to Make an Appropriation for the First Year's Administrative Expenses of Such Authority; to Authorize Cities, Towns and Incorporated Villages Located Within Housing Authorities to Make Grants and Lend Money to Such Housing Authorities; and to Declare an Emergency Requiring That This Act Take Effect From the Date of its Passage.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Finding the Declaration of Necessity.** It is hereby declared that unsanitary or unsafe dwelling accommodations exist in various areas of the state, and

Necessity for Act declared.

that consequently many persons of low income are forced to reside in such dwelling accommodations; that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the citizens of the state and impair economic values; that the clearance, replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which private property may be acquired; that it is in the public interest that work on such projects be instituted as soon as possible in order to relieve unemployment which now constitutes an emergency; and the necessity in the public interest for the provision hereinafter enacted, is hereby declared as a matter of Legislative determination.

Definitions.

Section 2. **Definitions.** The following terms, whenever used or referred to in this Act shall have the following respective meanings, unless a different meaning clearly appears from the context:

"Housing Authority."

(1) "Housing Authority" shall mean any housing authority organized pursuant to the Housing Authorities Law of this state.

"City."

(2) "City" shall mean any city of the first or second class of the state which is, or is about to be, included in the territorial boundaries of a housing authority.

"Municipality."

(3) "Municipality" shall mean any city, town or incorporated village of the state.

"Housing Project."

(4) "Housing Project" shall mean any undertaking (a) to demolish, clear, remove, alter or repair unsafe or unsanitary housing, and/or (b) to provide dwelling accommodations for persons of low income, and said term may also include such buildings and equipment for recreational or social assemblies for educational, health or welfare purposes, and such necessary utilities as are designed primarily for the benefit and use of the housing authority and/or the occupants of such dwelling accommodations.

What state, counties and cities may do to aid housing program.

Section 3. **Conveyance, Lease or Agreement in Aid of Housing Project.** For the purpose of aiding and cooperating in the planning, construction and operation of

housing projects located within their respective territorial boundaries, the state, its subdivisions and agencies, and any county, city, or municipality of the state may, upon such terms, with or without consideration, as it may determine:

(a) grant, sell, convey or lease any of its property to a housing authority or the United States of America or any agency thereof; and

Grant, sell or lease property.

(b) to the extent that it is within the scope of each of their respective functions, (1) cause the services customarily provided by each of them to be rendered for the benefit of the housing authority and/or the occupants of such housing projects, and (2) provide and maintain parks and sewage, water and other facilities adjacent to or in connection with housing projects, and (3) enter into any agreement to open, close, pave, install, or change the grade of streets, roads, roadways, alleys, sidewalks, or other such facilities, to change the city or municipality map, to plan, replan, zone or rezone any part of the city or municipality.

Render service.

Provide parks, sewage and water facilities.

Provide adequate streets, etc.

In connection with the exercise of this power, any city or municipality may incur the entire expense of any such public improvements located within its territorial boundaries without assessment against abutting property owners. Any law or statute to the contrary notwithstanding, any gift, grant, sale, conveyance, lease or agreement provided for in this section may be made by the state, its subdivisions and agencies, and any county, city, or municipality of the state without appraisal, public notice, advertisement or public bidding.

City may incur expense without assessing abutting property owners.

Formalities of conveyance done away with.

Section 4. Advances and Donations by City and Municipality. Immediately after the incorporation of the housing authority, the council or other governing body of the city included within the territorial boundaries of such authority shall make an estimate of the amount of money necessary for the administrative expenses and overhead of the housing authority during the first year following the incorporation of such housing authority, and shall appropriate such amount to the authority out of any moneys in the city treasury not appropriated to some other purposes, and shall cause the moneys so appropriated to be paid the authority as a donation. In

Advances and donations to housing authority.

Housing
authority
to reim-
burse cities.

addition thereto, the city and any municipality located in whole or in part within the boundaries of a housing authority shall have the power annually and from time to time to make donations or advances to the authority of such sums as the city or municipality in its discretion may determine. The authority, when it has money available therefor, shall reimburse the city or municipality for all advances by way of loan made to it.

City to act by
resolution
adopted by a
majority of
governing
body.

Section 5. Action of City or Municipality by Resolution. Except as otherwise provided in this Act, all action authorized to be taken under this Act by the council or other governing body of any city or of any municipality may be by resolution adopted by a majority of all the members of its council or other governing body, which resolution may be adopted at the meeting of the council or other governing body at which such resolution is introduced and shall take effect immediately upon such adoption, and no such resolution need be published or posted.

Purpose
of Act.

Section 6. Purpose of Act. It is the purpose and intent of this Act that the state, its subdivisions and agencies, in any county, city or municipality of the state shall be authorized, and are hereby authorized, to do any and all things necessary to aid and cooperate in the planning, construction and operation of housing projects by the United States of America and by housing authorities.

Supplemen-
tal Act.

Section 7. Supplemental Nature of Act. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.

Saving
clause.

Section 8. Severability. That if any one or more sections, clauses, sentences, or parts of this Act shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any sections, clause or provision of this Act in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Section 9. **Emergency Clause.** Because of the inability of thousands of citizens throughout the state to find employment and to support themselves and their families in the present depression, it is necessary that the powers conferred by this Act be exercised immediately in order to create employment and prevent irreparable injury to the people of the state so that the public peace, health and safety can be preserved immediately. An emergency is hereby declared to exist and this Act shall not be subject to referendum and shall be in full force and effect from and after its passage and approval.

Emergency clause.

Approved March 13, 1935.

CHAPTER 139

An Act Authorizing County Commissioners to Deed County Lands to the State or the United States of America for Park Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The County Commissioners of any county in the State of Montana are hereby authorized to convey to the State of Montana or the United States of America any tract of county owned land not exceeding one thousand two hundred eighty acres (1,280), to be used for the establishment and maintenance of a park and to be maintained by the State or Federal Government as a public park or recreational grounds. Said land shall be deeded to the State or Federal Government without charge, but upon the condition that the same shall be devoted and maintained by the State or Federal Government for the purpose specified in this Act, and in the event that said land shall cease to be used for such purposes for a period of five (5) years in succession, the title thereto shall revert to the county making such grant.

County to grant lands to U. S. or state for public parks or recreational grounds.

To revert to state if not used for this purpose.

Section 2. This Act shall take effect upon its passage and approval.

Approved March 13, 1935.

CHAPTER 140

An Act to Declare the Necessity of Creating Public Bodies Corporate and Politic to be Known as Housing Authorities to Engage in Slum Clearance and/or Projects to Provide Dwelling Accommodations for Persons of Low Income; to Provide for the Creation of Such Housing Authorities; to Define the Powers and Duties of Housing Authorities and to Provide for the Exercise of Such Powers, Including Acquiring Property by Purchase, Gift or Eminent Domain, and Including Borrowing Money, Issuing Revenue and Credit Bonds and Other Obligations, and Giving Security Therefor; to Confer Remedies on Obligees of Housing Authorities; to Provide That the Bonds of the Authority Shall be Legal Investments; to Provide That Housing Authorities, Their Property and Securities Shall be Tax Exempt; and to Declare an Emergency Requiring That This Act Take Effect From the Date of its Passage.

Be it enacted by the Legislative Assembly of the State of Montana:

Short title.

Section 1. **Short Title.** This Act may be referred to as the Housing Authorities Law.

Necessity of Act declared.

Section 2. **Finding and Declaration of Necessity.** It is hereby declared that unsanitary or unsafe dwelling accommodations exist in various cities of the first and second class of the state, and that such unsafe or unsanitary conditions arise from overcrowding and concentration of population, the obsolete and poor condition of the buildings, improper planning, excessive land coverage, lack of proper light, air and space, unsanitary design and arrangement, lack of proper sanitary facilities, and the existence of conditions which endanger life or property by fire and other causes; that in all such cities many persons of low income are forced to reside in unsanitary or unsafe dwelling accommodations; that in various cities of the first or second class of the state there is a lack of safe or sanitary dwelling accommodations available to all the inhabitants thereof and that consequently many persons of low income are forced to occupy overcrowded and congested dwelling accommodations; that these conditions cause an increase in and spread of

Conditions existing requiring attention.

disease and crime and constitute a menace to the health, safety, morals and welfare of the citizens of the state and impair economic values; that the aforesaid conditions also exist in certain areas surrounding such cities; that these conditions cannot be remedied by the ordinary operations of private enterprises; that the clearance, re-planning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired; that it is in the public interest that work on such projects be instituted as soon as possible in order to relieve unemployment which now constitutes an emergency; and the necessity in the public interest for the provision hereinafter enacted, is hereby declared as a matter of Legislative determination.

Section 3. **Definitions.** The following terms, wherever used or referred to in this Act shall have the following respective meanings, unless a different meaning clearly appears from the context:

Definitions.

(1) "Authority" or "Housing Authority" shall mean a public body and a body corporate and politic organized in accordance with the provisions of this Act for the purposes, with the powers and subject to the restrictions hereinafter set forth.

"Authority"
or "Housing
Authority."

(2) "City" shall mean the city of the first or second class which is, or is about to be, included in the territorial boundaries of an authority when created hereunder.

"City."

(3) "Council" shall mean the legislative body, council, board of commissioners, board of trustees, or other body charged with governing the city.

"Council."

(4) "City Clerk" and "Mayor" shall mean the Clerk and Mayor, respectively, of the city or the officers thereof charged with the duties customarily imposed on the Clerk and Mayor respectively.

"City Clerk."
"Mayor."

(5) "Municipality" shall mean any city, town or incorporated village, other than the city as defined above, which is located within the territorial boundaries of an authority.

"Municipality."

"Commissioner."

(6) "Commissioner" shall mean one of the members of an authority appointed in accordance with the provisions of this Act.

"Government."

(7) "Government" shall include the State and Federal Governments and any subdivision, agency or instrumentality, corporate or otherwise, of either of them.

"State."

(8) "State" shall mean the State of Montana.

"Federal Government."

(9) "Federal Government" shall include the United States of America, the Federal Emergency Administration of Public Works or any agency, instrumentality, corporate or otherwise, of the United States of America.

"Housing Project."

(10) "Housing Project" shall include all real and personal property, buildings and improvements, stores, offices, lands for farming and gardening, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking (a) to demolish, clear, remove, alter or repair unsanitary or unsafe housing, and/or (b) to provide safe and sanitary dwelling accommodations for persons of low income. The term "Housing Project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

"Community Facilities."

(11) "Community Facilities" shall include real and personal property, and buildings and equipment for recreational or social assemblies, for educational, health or welfare purposes and necessary utilities, when designed primarily for the benefit and use of the housing authority and/or the occupants of the dwelling accommodations.

"Bonds."

(12) "Bonds" shall mean any bonds, interim certificates, notes, debentures, or other obligations of the authority issued pursuant to this Act.

"Mortgage."

(13) "Mortgage" shall include deeds of trust, mortgage, building and loan contracts or other instruments conveying real or personal property as security for bonds and conferring a right to foreclose and cause a sale thereof.

(14) "Trust Indenture" shall include instruments pledging the revenues of real or personal properties but not conveying such properties or conferring a right to foreclose and cause a sale thereof.

"Trust Indenture."

(15) "Contract" shall mean any agreement of an authority with or for the benefit of an obligee whether contained in a resolution, trust indenture, mortgage, lease, bond or other instrument.

"Contract."

(16) "Real Property" shall include lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

"Real Property."

(17) "Obligee of the Authority" or "Obligee" shall include any bondholder, trustee or trustees for any bondholders, any lessor demising property to the authority used in connection with a housing project or any assignee or assignees of such lessor's interest or any part thereof, and the United States of America, when it is a party to any contract with the authority.

"Obligee."

"Obligee of Authority."

Section 4. Notice, Hearing and Creation of Authority. Any twenty-five (25) residents of a city and of the area within ten miles from the territorial boundaries thereof may file a petition with the City Clerk setting forth that there is a need for an authority to function in the city and said surrounding area. Upon the filing of such a petition the City Clerk shall give notice of the time, place and purposes of a public hearing at which the council will determine the need for an authority in the city and said surrounding area. Such notice shall be given at the city's expense by publishing a notice, at least ten days preceding the day on which the hearing is to be held, in a newspaper having a general circulation in the city and said surrounding area or, if there be no such newspaper, by posting such a notice in at least three public places within the city, at least ten days preceding the day on which the hearing is to be held.

Petition for creation of authority.

Notice of hearing on petition.

Publication of notice of hearing.

Upon the date fixed for said hearing held upon notice as provided herein, an opportunity to be heard shall be granted to all residents and taxpayers of the city and

Hearing.

What council shall determine.

said surrounding area and to all other interested persons. After such a hearing, the council shall determine:

(1) Whether unsanitary or unsafe inhabited dwelling accommodations exist in the city and said surrounding area, and/or

(2) Whether there is a lack of safe or sanitary dwelling accommodations in the city and said surrounding area available for all the inhabitants thereof.

Considerations for determining whether dwellings are unsafe or unsanitary.

In determining whether dwelling accommodations are unsafe or unsanitary, the council shall take into consideration the following: the physical condition and age of the buildings; the degree of overcrowding; the percentage of land coverage; the light and air available to the inhabitants of such dwelling accommodations; the size and arrangement of the rooms; the sanitary facilities; and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

Resolution stating existence of above condition shall be adopted.

Commission to be appointed.

If it shall determine that either or both of the above enumerated conditions exist, the council shall adopt a resolution so finding (which need not go into any detail other than the mere finding) and shall cause notice of such determination to be given to the Mayor who shall thereupon appoint, as hereinafter provided, five commissioners to act as an authority. Said commission shall be a public body and a body corporate and politic upon the completion of the taking of the following proceedings:

Application by commissioners to the Secretary of State.

Contents of.

Findings and appointment.

Name and residence of each commissioner.

Term of office of commissioners.

Name of corporation.

The commissioners shall present to the Secretary of the State an application signed by them, which shall set forth (without any detail other than the mere recital) (1) that a notice has been given and public hearing has been held as aforesaid, that the council made the aforesaid determination after such hearing, and that the Mayor has appointed them as commissioners; (2) the name, and official residence of each of the commissioners, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire the housing authority to become a public body and a body corporate and politic under this Act; (3) the term of office of each of the commissioners; (4) the name which is pro-

posed for the corporation; and (5) the location of the principal office of the proposed corporation. The application shall be subscribed and sworn to by each of said commissioners before an officer authorized by the laws of the state to take and certify oaths, who shall certify upon the application that he personally knows the commissioners and knows them to be the officers as asserted in the application, and that each subscribed and swore thereto in the officer's presence. The Secretary of State shall examine the application and if he finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this state or so nearly similar as to lead to confusion and uncertainty he shall receive and file it and shall record it in an appropriate book of record in his office.

Location of proposed corporation.

Application must be subscribed and sworn to by each commissioner.

Secretary of State to examine, file and record.

When the application has been made, filed and recorded, as herein provided, the authority shall constitute a public body and a body corporate and politic under the name proposed in the application; the Secretary of State shall make and issue to the said commissioners, a certificate of incorporation pursuant to this Act, under the seal of the state, and shall record the same with the application.

Effect of filing and recording.

Certificate of incorporation to be issued.

The boundaries of such authority shall include said city and the area within ten miles from the territorial boundaries of said city but in no event shall it include the whole or a part of any other city nor any area included within the boundaries of another authority. In case an area lies within ten miles of the boundaries of more than one city, such area shall be deemed to be within the boundaries of the authority embracing such area which was first established, all priorities to be determined on the basis of the time of the issuance of the aforesaid certificates by the Secretary of State. After the creation of an authority, the subsequent existence within its territorial boundaries of more than one city shall in no way affect the territorial boundaries of such authority.

Boundaries of authority.

Boundaries where authority lies within 10 miles of more than one city.

If the council, after a hearing as aforesaid, shall determine that neither of the above enumerated conditions exist, it shall adopt a resolution denying the petition. After three months shall have expired from the date of the denial of any such petitions, subsequent petitions

When council may deny petition for an authority.

may be filed as aforesaid and new hearings and determinations made thereon.

Certificate of incorporation to be proof of establishment of authority.

In any suit, action or proceeding involving the validity or enforcement of, or relating to any contract of the authority, the authority shall be conclusively deemed to have been established in accordance with the provisions of this Act upon proof of the issuance of the aforesaid certificate by the Secretary of State. A copy of such certificate, duly certified by the Secretary of State shall be admissible in evidence in any such suit, action or proceeding, and shall be conclusive proof of the filing and contents thereof.

Admissible in evidence.

Five commissioners to be appointed by Mayor.

Section 5. Appointment, Qualifications and Tenure of Commissioners. An authority shall consist of five commissioners appointed by the Mayor and he shall designate the first chairman. No commissioner may be a city official.

Terms of office.

The commissioners who are first appointed shall be designated by the Mayor to serve for terms of one, two, three, four and five years respectively from the date of their appointment. Thereafter, the term of office shall be five years. A commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. Three commissioners shall constitute a quorum. The Mayor shall file with the City Clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties.

Quorum.

Mayor to file certificate of appointment with City Clerk.

No compensation.

Expenses allowed.

Officers of authority.

When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. An authority shall select from among its members a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. An authority may call upon the corporation counsel or chief law officer of the city for such legal services as it

Employees of. Legal advisors.

may require or it may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Section 6. Duty of the Authority and Commissioners of the Authority. The authority and its commissioners shall be under a statutory duty to comply or to cause compliance strictly with all provisions of this Act and the laws of the state and in addition thereto, with each and every term, provision and covenant in any contract of the authority on its part to be kept or performed.

Duty to comply with Act.

Section 7. Interested Commissioners or Employees. No commissioner or employee of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in any project, nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in any housing project, he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure to so disclose such interest shall constitute misconduct in office.

No commissioner or employee to have financial interest in projects.

Written notice of interest to be given.

Section 8. Removal of Commissioners. The Mayor may remove a commissioner for inefficiency or neglect of duty or misconduct in office, but only after the commissioner shall have been given a copy of the charges against him (which may be made by the Mayor) at least ten (10) days prior to the hearing thereon and had an opportunity to be heard in person or by counsel.

Removal for cause after hearing.

Any obligee of the authority may file with the Mayor written charges that the authority is violating wilfully any law of the state or any term, provision or covenant in any contract to which the authority is a party. The Mayor shall give each of the commissioners a copy of such charges at least ten (10) days prior to the hearing thereon and an opportunity to be heard in person or by counsel and shall within fifteen days after receipt of

Any obligee may file written charges of violations with Mayor.

Hearing.

Removal of commissioners for.

such charges remove any commissioners of the authority who shall have been found to have acquiesced in any such wilful violation.

Commissioner deemed to have acquiesced in violation unless he files a written defense.

A commissioner shall be deemed to have acquiesced in a wilful violation by the authority of a law of this state or of any term, provision or covenant contained in a contract to which the authority is a party, if, before a hearing is held on the charges against him, he shall not have filed a written statement with the authority of his objections to, or lack of participation in such violation.

Record of removal proceedings to be filed.

In the event of the removal of any commissioner, the Mayor shall file in the office of the City Clerk a record of the proceedings together with the charges made against the commissioners and the findings thereon.

All powers necessary to carry out Act.

Section 9. **Powers of Authority.** An authority shall constitute a public body and a body corporate and politic, exercising public powers, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:

To investigate living conditions.

To study and make recommendations concerning plan of city.

To cooperate with city planning agencies.

To operate housing projects.

To repair housing projects.

To act as agent for Federal agencies.

To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where unsafe, or unsanitary dwelling or housing conditions exist; to study and make recommendations concerning the plan of any city or municipality located within its boundaries in relation to the problem of clearing, replanning and reconstruction of areas in which unsafe, or unsanitary dwelling or housing conditions exist, and the providing of dwelling accommodations for persons of low income, and to cooperate with any city, municipal or regional planning agency; to prepare, carry out and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to take over by purchase, lease or otherwise any housing project located within its boundaries undertaken by any government; to act as agent for the Federal Government in connection with the acquisition, construction, operation and/or management of a housing project or any part thereof; to arrange with any city or municipality located in whole or in part within its boundaries or with a government for the fur-

nishing, planning, replanning, installing, opening or closing of streets, options or property rights or for the furnishing of property or services in connection with a project; to arrange with the state, its subdivisions and agencies, and any county, city or municipality of the state, to the extent that it is within the scope of each of their respective functions, (a) to cause the services customarily provided by each of them to be rendered for the benefit of such housing authority and/or the occupants of any housing projects and (b) to provide and maintain parks and sewage, water and other facilities adjacent to or in connection with housing projects and (c) to change the city or municipality map, to plan, re-plan, zone or rezone any part of the city or municipality; to lease or rent any of the dwelling or other accommodations or any of the lands, buildings, structures or facilities embraced in any housing project and to establish and revise the rents or charges therefor; to enter upon any building or property in order to conduct investigations or to make surveys or soundings; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any property real or personal or any interest therein from any person, firm, corporation, city, municipality, or government; to acquire by eminent domain any real property, including improvements and fixtures thereon; to sell, exchange, transfer, assign, or pledge any property real or personal or any interest therein to any person, firm, corporation, municipality, city, or government; to own, hold, clear and improve property, to insure or provide for the insurance of the property or operations of the authority against such risks as the authority may deem advisable; to procure insurance or guarantees from a Federal Government of the payment of any debts or parts thereof secured by mortgages made or held by the authority on any property included in any housing project; to borrow money upon its bonds, notes, debentures or other evidences of indebtedness and to secure the same by pledges of its revenues, and (subject to the limitations hereinafter imposed) by mortgages upon property held or to be held by it, or in any other manner; in connection with any loan, to agree to limitations upon its right to dispose of any housing project or part thereof or to undertake additional housing projects; in connection with any loan by

To arrange with cities for streets and other services.

To arrange with state for services, parks, sewers, etc.

To change plan of city.

To lease or rent any building or lands.

To enter buildings to investigate.

To acquire property.

To acquire property by eminent domain.

To sell property.

To insure.

To borrow money.

To agree to limit powers when necessary.

To invest funds.

To sue and be sued.

To have a seal.

Perpetual existence.

To contract and make rules and regulations.

To conduct investigations under oath.

To subpoena witnesses.

To abate nuisances.

Investigations, how conducted.

Who may administer oaths.

To appoint agents.

a government, to agree to limitations upon the exercise of any powers conferred upon the authority by this Act; to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority to make and from time to time amend and repeal by-laws, rules and regulations not inconsistent with this Act, to carry into effect the powers and purposes of the authority; to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the authority, or excused from attendance; and to make available to such agencies, boards or commissions as are charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or unsanitary structures within its territorial limits, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare. Any of the investigations or examinations provided for in this Act may be conducted by the authority or by a committee appointed by it, consisting of one or more commissioners, or by counsel, or by an officer or employee specially authorized by the authority to conduct it. Any commissioner, counsel for the authority, or any person designated by it to conduct an investigation or examination shall have power to administer oaths, take affidavits and issue subpoenas or commissions. An authority may exercise any or all of the powers herein conferred upon it, either generally or with respect to any specific housing project or projects, through or by an agent or agents which it may designate, including any corporation or corporations which are or shall be formed under the laws of this state, and for such purposes an authority may cause one or more corporations to be formed under the laws of this

state or may acquire the capital stock of any corporation or corporations. Any corporate agent, all of the stock of which shall be owned by the authority or its nominee or nominees, may to the extent permitted by law exercise any of the powers conferred upon the authority herein. In addition to all of the other powers herein conferred upon it, an authority may do all things necessary and convenient to carry out the powers expressly given in this Act. No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the Legislature shall specifically so state.

May do all things necessary to carry out Act.

Proviso as to property of other public bodies.

Section 10. Cooperation Between Authorities. Any two or more authorities may cooperate with one another in the exercise of any or all of the powers conferred hereby for the purpose of financing, planning, constructing or operating a housing project or projects located partly within the boundaries of each of said authorities. Any housing authority may construct and operate a housing project within the boundaries of any other housing authority provided that (1) such other housing authority consents thereto, and (2) said housing project is located within ten miles of the city which is included in the boundaries of the housing authority desiring to construct and operate such project.

Authorities may cooperate.

When one housing authority may construct project within boundaries of another.

Section 11. Eminent Domain. The authority shall have the right to acquire by eminent domain any real property, including fixtures and improvements, which it may deem necessary to carry out the purposes of this Act after the adoption by it of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use. The authority may exercise the power of eminent domain pursuant to the provisions of either: (a) Revised Codes of Montana 1921, Sections 9933 to 9958, both inclusive, Code of Civil Procedure, Part IV, Chapter 14; or (b) pursuant to any other applicable statutory provisions for the exercise of the power of eminent domain.

Right of eminent domain granted.

General laws of state applicable.

Property already devoted to a public use may be acquired, provided that no property belonging to any city or municipality within the boundaries of the authority or to any government may be acquired without its con-

What property may be acquired.

Proviso.

sent and that no property belonging to a public utility corporation may be acquired without the approval of the commission or other officer or tribunal, if any there be, having regulatory power over such corporation.

Acquisition
of land for
government.

Section 12. **Acquisition of Land for Government.** The authority may acquire by purchase or by the exercise of its power of eminent domain as aforesaid, any property real or personal for any housing project being constructed or operated by a government. The authority upon such terms and conditions, with or without consideration, as it shall determine, may convey title or deliver possession of such property so acquired or purchased to such government for use in connection with such housing project.

May convey to.

Zoning and
building laws
to be com-
plied with.

Section 13. **Zoning and Building Laws.** All housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the housing project is situated.

Bonds.

Section 14. **Types of Bonds.** The authority shall have power and is hereby authorized from time to time in its discretion to issue for any of its corporate purposes:

Principal
and interest,
how payable.

(a) Bonds on which the principal and interest are payable

(1) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds or with such proceeds together with the proceeds of a grant from the Federal Government to aid in financing the construction thereof, or

(2) exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of such bonds;

Credit of
authority not
to be pledged
for payment of.

provided, however, that the credit of the authority shall not be pledged to the payment of such bonds, but such bonds shall be payable only (and the bonds shall so state on their face) from the revenues of the designated housing project or projects and the funds received from the sale or disposal thereof and, if the authority so determines, shall be additionally secured by a trust indenture

pledging such revenues or, in certain instances as hereinafter provided, by a mortgage of the property comprising such designated housing project or projects and the revenue therefrom.

Project to pay.

(b) Bonds for the payment of the principal and interest of which the credit of the authority is pledged and which may be additionally secured by a pledge of the revenues of the authority or any part thereof pursuant to a resolution or trust indenture of the authority or, in certain instances as hereinafter provided, may be additionally secured by a mortgage of the property and revenues of the authority or any part thereof.

Additional security may be given such as mortgage.

Neither the commissioners of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

Commissioners not liable for bonds.

The bonds and other obligations of the authority (and such bonds and obligations shall so state on their face) shall not be a debt of any city or municipality located within its boundaries or of the state and neither the state nor any such city or municipality shall be liable thereon, nor in any event shall they be payable out of any funds or properties other than those of the authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory provision of the laws of the state. Bonds may be issued under this Act notwithstanding any debt or other limitation prescribed by any statute.

State and city not to be liable and bonds shall so state.

Section 15. **Form and Sale of Bonds.** The bonds of the authority shall be authorized by its resolution and shall be issued in one or more series and shall bear such date or dates, mature at such time or times, not exceeding sixty (60) years from their respective dates, bear interest at such rate or rates, not exceeding six per centum (6%) per annum payable semi-annually, be in such denominations (which may be made interchangeable) be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution or its trust indenture or mortgage may provide.

Form of bonds.

Interest.

Public sale of bonds.	The bonds may be sold at public sale held after notice published once at least ten days prior to such sale in a newspaper having a general circulation in the city and in a financial newspaper published in the City of.....
Publication of notice of.	or in the City of, provided, however, that such bonds may be sold to the Federal Government at private sale without any public advertisement. The bonds may be sold at such price or prices as the authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum (6%) per annum.
Private sale to Federal Government.	
Price of bonds.	
Temporary or interim certificates may be issued.	Pending the authorization, preparation, execution or delivery of definitive bonds, the authority may issue interim certificates, or other temporary obligations to the purchaser of such bonds. Such interim certificates, or other temporary obligations, shall be in such form, contain such terms, conditions and provisions, bear such date or dates, and evidence such agreements relating to their discharge or payment or the delivery of definitive bonds as the authority may by resolution, trust indenture or mortgage determine.
Signatures on bonds not to affect validity.	In case any of the officers whose signatures appear on any bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery.
Authority may purchase its own bonds.	The authority shall have power out of any funds available therefor to purchase any bonds issued by it at a price not more than the principal amount thereof and the accrued interest; provided, however, that bonds payable exclusively from the revenues of a designated project or projects shall be purchased out of any such revenues available therefor. All bonds so purchased shall be cancelled. This paragraph shall not apply to the redemption of bonds.
Cancellation of.	
Bonds negotiable.	Any provision of any law to the contrary notwithstanding, any bonds, interim certificates, or other obligations issued pursuant to this Act shall be fully negotiable.

Section 16. Provisions of Bonds—Trust Indentures, and Mortgages. In connection with the issuance of bonds and/or the incurring of any obligation under a lease and in order to secure the payment of such bonds and/or obligations, the authority shall have power:

Power of authority in connection with the issuance of bonds.

(1) To pledge by resolution, trust indenture, mortgage (subject to the limitations hereinafter imposed), or other contract all or any part of its rents, fees, or revenues.

To pledge income.

(2) To covenant against mortgaging all or any part of its property, real or personal, then owned or thereafter acquired, or against permitting or suffering any lien thereon.

To covenant against mortgaging.

(3) To covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof, or with respect to limitations on its right to undertake additional housing projects.

To covenant limiting right to dispose of property.

(4) To covenant against pledging all or any part of its rents, fees and revenues to which its right then exists or the right to which may thereafter come into existence or against permitting or suffering any lien thereon.

To covenant against pledging income.

(5) To provide for the release of property, rents, fees, and revenues from any pledge or mortgage, and to reserve rights and powers in, or the right to dispose of, property which is subject to a pledge or mortgage.

To provide release of property and income from pledge or mortgage.

(6) To covenant as to the bonds to be issued pursuant to any resolution, trust indenture, mortgage or other instrument and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof.

To covenant as to bonds.

(7) To covenant as to what other, or additional debt may be incurred by it.

To covenant as to indebtedness.

(8) To provide for the terms, form, registration, exchange, execution and authentication of bonds.

To provide concerning bonds.

(9) To provide for the replacement of lost, destroyed or mutilated bonds.

To replace bonds.

To warrant
title to
property.

(10) To covenant that the authority warrants the title to the premises.

To covenant as
to rents and
fees to be
charged.

(11) To covenant as to the rents and fees and to be charged, the amount (calculated as may be determined) to be raised each year or other period of time by rents, fees, and other revenues and as to the use and disposition to be made thereof.

To covenant
as to use of
property.

(12) To covenant as to the use of any or all of its property, real or personal.

To create
special funds.

(13) To create or to authorize the creation of special funds in which there shall be segregated (a) the proceeds of any loan and/or grant; (b) all of the rents, fees and revenues of any housing project or projects or parts thereof; (c) any moneys held for the payment of the costs of operation and maintenance of any such housing projects or as a reserve for the meeting of contingencies in the operation and maintenance thereof; (d) any moneys held for the payment of the principal and interest on its bonds or the sums due under its leases and/or as a reserve for such payments; and (e) any moneys held for any other reserves or contingencies; and to covenant as to the use and disposal of the moneys held in such funds.

To redeem
bonds.

(14) To redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

To covenant
as to time for
payment of
bonds.

(15) To covenant against extending the time for the payment of its bonds or interest thereon, directly or indirectly, by any means or in any manner.

To prescribe
procedure for
amendment of
bond agree-
ments.

(16) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds, the holders of which must consent thereto and the manner in which such consent may be given.

To covenant
as to mainte-
nance of
property.

(17) To covenant as to the maintenance of its property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

To vest in
obligee the
right to cure
any default.

(18) To vest in an obligee of the authority the right, in the event of the failure of the authority to observe or perform any covenant on its part to be kept or per-

formed, to cure any such default and to advance any moneys necessary for such purpose, and the moneys so advanced may be made an additional obligation of the authority with such interest, security and priority as may be provided in any trust indenture, mortgage, lease or contract of the authority with reference thereto.

(19) To covenant and prescribe as to the events of default and terms and conditions upon which any or all of its bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived.

To covenant and prescribe as to the event of default.

(20) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation.

To covenant as to rights upon breach.

(21) To covenant to surrender possession of all or any part of any part of any housing project or projects upon the happening of an event of default (as defined in the contract) and to vest in an obligee the right without judicial proceedings to take possession and to use, operate, manage and control such housing projects or any part thereof, and to collect and receive all rents, fees and revenues arising therefrom in the same manner as the authority itself might do and to dispose of the moneys collected in accordance with the agreement of the authority with such obligee.

To covenant to surrender any or all of project upon default.

(22) To vest in a trustee or trustees the right to enforce any covenant made to secure, to pay, or in relation to the bonds, to provide for the powers and duties of such trustee or trustees, to limit liabilities thereof and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any such covenant.

To vest in trustees the right to enforce covenants to secure bonds.

(23) To make covenants other than in addition to the covenants herein expressly authorized, of like or different character.

To make all necessary covenants.

(24) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties, which may contain such covenants and provisions, in addition to those above specified as the government or any purchaser of the bonds of the authority may reasonably require.

To execute all necessary instruments.

To do all things necessary to make bonds marketable.

(25) To make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of the authority tend to make the bonds more marketable; notwithstanding that such covenants, acts or things may not be enumerated herein; it being the intention hereof to give the authority power to do all things in the issuance of bonds, in the provisions for their security that are not inconsistent with the constitution of the state and no consent or approval of any judge or court shall be required thereof; provided, however, that the authority shall have no power to mortgage all or any part of its property, real or personal, except as provided in Section 17 hereof.

To do all things necessary to secure bonds.

Power to mortgage when financed by government.

Section 17. Power to Mortgage When Project Financed With Aid of a Government. In connection with any project financed in whole or in part by a government, the authority shall also have power to mortgage all or any part of its property, real or personal, then owned or thereafter acquired, and thereby:

To vest in government right to foreclose.

(a) To vest in a government the right, upon the happening of an event of default (as defined in such mortgage), to foreclose such mortgage through judicial proceedings or through the exercise of a power of sale without judicial proceedings so long as a government shall be the holder of any of the bonds secured by such mortgage.

To vest in trustees power to foreclose.

(b) To vest in a trustee or trustees the right, upon the happening of an event of default (as defined in such mortgage), to foreclose such mortgage through judicial proceedings or through the exercise of a power of sale without judicial proceedings, but only with the consent of the government which aided in financing the housing project involved.

Consent of government necessary.

To vest in other obligees right to foreclose.

(c) To vest in other obligees the right to foreclose such mortgage by judicial proceedings, but only with the consent of the government which aided in financing the project involved.

Foreclosure on portion does not affect balance not foreclosed.

(d) To vest in an obligee, including a government, the right in foreclosing any mortgage as aforesaid, to foreclose such mortgage as to all or such part or parts of the property covered thereby as such obligee (in its

absolute discretion) shall elect; the institution, prosecution and conclusion of any such foreclosure proceedings and/or the sale of any such parts of the mortgaged property shall not affect in any manner or to any extent the lien of the mortgage on the parts of the mortgaged property not included in such proceedings or not sold as aforesaid.

Section 18. **Remedies of an Obligee of Authority.** An obligee of the authority shall have the right in addition to all other rights which may be conferred on such obligee subject only to any contractual restrictions binding upon such obligee:

Rights and remedies of obligees.

(a) By mandamus, suit, action or proceeding in law or equity (all of which may be joined in one action) to compel the authority, and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the authority, and to require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this Act.

To compel performance of covenants and law.

(b) By suit, action or proceeding in equity to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the authority.

To enjoin.

(c) By suit, action or proceeding in any court of competent jurisdiction to cause possession of any housing project or any part thereof to be surrendered to any obligee having the right to such possession pursuant to any contract of the authority.

To cause surrender of possession of project when.

Section 19. **Additional Remedies Conferrable by Mortgage or Trust Indenture.** Any authority shall have power by its trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, lease or other obligations, the right upon the happening of an "event of default" as defined in such instrument:

Other rights of obligees upon default.

(a) By suit, action or proceeding in any court of competent jurisdiction to obtain the appointment of a receiver of any housing project of the authority or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such housing project

To have a receiver appointed.

Rights of receiver.

or any part or parts thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom in the same manner as the authority itself might do and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of the authority as the court shall direct.

To require
an accounting.

(b) By suit, action or proceeding in any court of competent jurisdiction to require the authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

Rights and
remedies to
be cumulative.

Section 20. **Remedies Cumulative.** All the rights and remedies hereinabove conferred shall be cumulative and in addition to all other rights and remedies that may be conferred upon such obligee of the authority by law or by any contract with the authority.

Limitation on
foreclosure
proceedings.

Section 21. **Limitations on Remedies of Obligee.** No interest of the authority in any property, real or personal, shall be subject to sale by the foreclosure of a mortgage thereon, either through judicial proceedings or the exercise of a power of sale contained in such mortgage, except in the case of the mortgages provided for in Section 17 hereof. All property of the authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same. No judgment against the authority shall be a charge or lien upon its property, real or personal. The provisions of this section shall not apply to or limit the right of obligees to foreclose any mortgage of the authority provided for in Section 17 hereof and, in case of a foreclosure sale thereunder, to obtain a judgment or decree for any deficiency due on the indebtedness secured thereby and issued on the credit of the authority. Such deficiency judgment or decree shall be a lien and charge upon the property of the authority which may be levied on and sold by virtue of an execution or other judicial process for the purpose of satisfying such deficiency judgment or decree.

All property
exempt from
levy and sale
for execution.

Does not limit
rights of obli-
gees above
enumerated.

Subject to
agreements
with gov-
ernment.

Section 22. **Foreclosure Sale Subject to Agreement With Government.** Notwithstanding anything in this Act to the contrary, any purchaser or purchasers at a sale of real or personal property of the authority whether

pursuant to any foreclosure of a mortgage, pursuant to judicial process or otherwise, shall obtain title subject to any contract between the authority and a government relating to the supervision by a government of the operation and maintenance of such property and the construction of improvements thereon.

Section 23. Contracts With Federal Government. In addition to the powers conferred upon the authority by other provisions of this Act, the authority is empowered to borrow money and/or accept grants from the Federal Government for or in aid of the construction of any housing project which such authority is authorized by this Act to undertake, to take over any land acquired by the Federal Government for the construction of a housing project, to take over or lease or manage any housing project constructed or owned by the Federal Government, and to these ends, to enter into such contracts, mortgages, trust indentures, leases or other agreements as the Federal Government may require including agreements that the Federal Government shall have the right to supervise and approve the construction, maintenance and operation of such housing project. It is the purpose and intent of this Act to authorize every authority to do any and all things necessary to secure the financial aid and the cooperation of the Federal Government in the construction, maintenance and operation of any housing project which the authority is empowered by this Act to undertake.

Authority to borrow money and accept grants from Federal Government.

To do all things necessary to secure aid of Federal Government.

Section 24. Security for Funds Deposited by Authorities. The authority may by resolution provide that (1) all moneys deposited by it shall be secured by obligations of the United States or of the state of a market value equal at all times to the amount of such deposits or (2) by any securities in which savings banks may legally invest funds within their control or (3) by an undertaking with such sureties as shall be approved by the authority faithfully to keep and pay over upon the order of the authority any such deposits and agreed interest thereon, and all banks and trust companies are authorized to give any such security for such deposits.

Security required for deposit of funds of authority.

Bonds of authority to be securities in which city or state may invest.

Section 25. **Bonds Legal Investments.** The bonds of an authority are hereby declared to be securities in which the city or the state may invest. Bonds of the authority, when they are secured by a first pledge of the revenues of, or a first mortgage lien on, property the value of which does not exceed $66\frac{2}{3}$ per centum of the aggregate principal amount of such bonds outstanding, are hereby declared to be securities in which all public officers and bodies of the state, municipalities, municipal subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, all executors, administrators, guardians, trustees, and all other fiduciaries in the state may legally invest funds within their control.

When good legal investment.

Report of activities to be filed with Mayor annually.

Section 26. **Reports.** The authority shall at least once a year file with the Mayor of the city a report of its activities for the preceding year, and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purposes of this Act.

Saving clause.

Section 27. **Severability.** That if any one or more sections, clauses, sentences, or parts of this Act shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause or provision of this Act in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Act controlling.

Section 28. **Act Controlling.** That insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

Emergency clause.

Section 29. **Emergency Clause.** Because of the inability of thousands of citizens throughout the state to find employment and to support themselves and their families in the present depression, it is necessary that the powers conferred by this Act be exercised immediately in order to create employment and prevent irreparable injury to the people of the state so that the public

peace, health and safety can be preserved immediately. An emergency is hereby declared to exist and this Act shall not be subject to referendum and shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 141

An Act Providing for the Acquisition, Purchase, Construction, Reconstruction, Improvement, Betterment, Extension, Operation and Maintenance of Revenue-Producing Undertakings by Any City and Town, However Organized; Authorizing and Regulating the Issuance of Revenue Bonds for Financing Such Undertakings; and Providing for the Payment of Such Bonds and the Rights of Holders Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Short Title of Act.** This Act may be cited as "The Revenue Bond Act of 1935." Short title.

Section 2. **Definitions.** Whenever used in this Act, unless a different meaning clearly appears from the context: Definitions.

(a) The term "Undertaking" shall mean any one or a combination of the following: water, natural gas, sewerage or central heating plants and systems, together with all parts thereof and appurtenances thereto including, but not limited to, supply and distribution systems, reservoirs, dams, sewage treatment and disposal works. "Undertaking."

(b) The term "Municipality" shall include any city or any town, however organized. "Municipality."

(c) The term "Governing Body" shall include bodies and boards, by whatsoever names they may be known, having charge of the finances of a municipality. "Governing Body."

Section 3. **Declaration of Policy.** It is hereby declared to be the policy of this state that any municipality acquiring, purchasing, constructing, reconstructing, improving, bettering or extending an undertaking pursuant to this Act, shall manage such undertaking in the most Policy of state declared.

Not to be operated primarily as source of revenue.

efficient manner consistent with sound economy and public advantage to the end that the services of the undertaking shall be furnished to consumers at the lowest possible cost. No municipality shall operate such undertaking primarily as a source of revenue to the municipality, but shall operate such undertaking for the use and benefit of the consumers served by such undertaking and for the promotion of the welfare and for the improvement of the health and safety of the inhabitants of the municipality.

Powers granted municipalities.

To construct or extend undertaking.

To operate undertakings and furnish service.

To issue bonds to finance.

To prescribe rates and charges.

To pledge revenues to secure bonds.

Costs to be included for issuance of bonds.

Section 4. Additional Powers of Municipalities. In addition to the powers which it may now have, any municipality shall have power under this Act: (a) to construct, acquire by gift, purchase, or the exercise of the right of eminent domain, reconstruct, improve, better or extend any undertaking, within or without the municipality, or partially within or partially without the municipality, and to acquire by gift, purchase, or the exercise of the right of eminent domain, lands or rights in land or water rights in connection therewith, (b) to operate and maintain any undertaking and furnish the services, facilities and commodities thereof for its own use and for the use of public and private consumers within or without the territorial boundaries of such municipality, (c) to issue its bonds to finance in whole or in part the cost of the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking, (d) to prescribe and collect rates, fees, and charges for the services, facilities and commodities furnished by such undertaking, and (e) to pledge to the punctual payment of said bonds and interest thereon an amount of the revenues of such undertaking (including improvements, betterments, or extensions thereto thereafter constructed or acquired) or of any part of such undertaking, sufficient to pay said bonds and interest as the same shall become due and to create and maintain reasonable reserves therefor. Such amount may consist of all or any part or portion of such revenue. The governing body of the municipality in determining such cost may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal and legal expenses, and interest which it is estimated will

accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this Act.

Section 5. Authorization of Undertaking; Form and Contents of Bonds. The acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking may be authorized under this Act, and bonds may be authorized to be issued under this Act by resolution or resolutions of the governing body of the municipality which may be adopted at the same meeting at which the same are introduced by a majority of all the members of the governing body of the municipality then in office and shall take effect immediately upon adoption. Said bonds shall bear interest at such rate or rates not exceeding five per centum per annum, payable semi-annually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their respective dates, may be payable in such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolutions may provide. Said bonds shall be sold at not less than par. Said bonds may be sold at private sale in the United States of America or any agency, instrumentality or corporation thereof. Unless sold to the United States of America or any agency, instrumentality or corporation thereof, said bonds shall be sold at public sale after notice of such sale published once at least five days prior to such sale in a newspaper circulating in the municipality and in a financial newspaper published in the City of New York, New York, or the City of Chicago, Illinois, or the City of San Francisco, California. Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates shall be fully negotiable within the meaning of and for all the purposes of the Negotiable Instruments Law.

Undertaking and bonds to be authorized by resolution of governing body.

Interest on bonds.

Form of bonds.

Sale of bonds.

Notice of public sale.

Temporary or interim certificates may be issued.

Bonds negotiable.

Covenants of resolution authorizing bonds.

Purpose.

Use of revenue to be stated.

Payment by municipality for services.

Additional bonds.

Operation and maintenance.

Insurance.

Inspection and audit.

Appointment of receiver.

Rights and remedies of bondholders.

Signatures not to affect validity of bonds.

Procedure not to affect validity.

Section 6. Covenants in Resolution Authorizing Issuance of Bonds. Any resolution or resolutions authorizing the issuance of bonds under this Act may contain covenants as to (a) the purpose or purposes to which the proceeds of sale of said bonds may be applied and the use and disposition thereof, (b) the use and disposition of the revenue of the undertaking for which said bonds are to be issued, including the creation and maintenance of reserves, (c) the transfer from the general funds of the municipality to the account or accounts of the undertaking an amount equal to the cost of furnishing such municipality or any of its departments, boards or agencies with the services, facilities and commodities of said undertaking, (d) the issuance of other or additional bonds payable from the revenue of said undertaking, (e) the operation and maintenance of such undertaking, (f) the insurance to be carried thereon and the use and disposition of insurance moneys, (g) books of account and the inspection and audit thereof, and (h) the terms and conditions upon which the holders of said bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by the district court, which court shall have jurisdiction in such proceedings, and which receiver may enter and take possession of said undertaking, operate and maintain the same, prescribe rates, fees, or charges, and collect, receive and apply all revenue thereafter arising therefrom in the same manner as the municipality itself might do. The provisions of this Act and any such resolution or resolutions shall be a contract with the holder or holders of said bonds, and the duties of the municipality and of its governing body and officers under this Act and any such resolution or resolutions shall be enforceable by any bondholder, by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction.

Section 7. Validity of Bonds. Said bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the municipality issuing the same. The validity of said bonds shall not be dependent on nor affected by the validity

or regularity of any proceedings relating to the acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of the undertaking for which said bonds are issued. The resolution authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Conclusive evidence of validity.

Section 8. **Lien of Bonds.** All bonds of the same issue shall, subject to the prior and superior rights of outstanding bonds, claims or obligations have a prior and paramount lien on the revenue of the undertaking, for which said bonds have been issued, over and ahead of all bonds of any issue payable from said revenue which may be subsequently issued and over and ahead of any claims or obligations of any nature against said revenue subsequently arising or subsequently incurred. All bonds of the same issue shall be equally and ratably secured without priority by reason of number, date of bonds, of sale, of execution, or of delivery, by a lien on said revenue in accordance with the provisions of this Act and the resolution or resolutions authorizing said bonds.

Lien of bonds.

Priority.

Section 9. **Bonds Not a General Obligation of Municipality.** No holder or holders of any bonds issued under this Act shall ever have the right to compel any exercise of taxing power of the municipality to pay said bonds or the interest thereon. Each bond issued under this Act shall recite in substance that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the municipality within the meaning of any constitutional or statutory limitation.

Municipality not liable for bonds.

Bonds to state.

Section 10. **Undertakings to be Self-Supporting.** The governing body of a municipality issuing bonds pursuant to this Act shall prescribe and collect reasonable rates, fees or charges for the services, facilities and commodities of such undertaking, and shall revise such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the

Undertaking to be self-supporting.

Rates, fees and charges.

payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor.

Use of revenue. Section 11. **Use of Revenue.** Any municipality issuing bonds pursuant to this Act for the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking shall have the right to appropriate, apply or expend the revenue of such undertaking for the following purposes: (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor, (c) to pay and discharge notes, bonds or other obligations and interest thereon, not issued under this Act for the payment of which the revenue of such undertaking is or shall have been pledged, charged or encumbered, (d) to pay and discharge notes, bonds or other obligations and interest thereon, which do not constitute a lien, charge or encumbrance on the revenue of such undertaking, which shall have been issued for the purpose of financing the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of such undertaking, and (e) to provide a reserve for betterments to such undertaking. Unless and until adequate provision has been made for the foregoing purposes, no municipality shall have the right to transfer the revenue of such undertaking to its general funds.

To pay bonds.

To pay expenses of undertaking.

To pay obligations for which revenue has been pledged.

To pay construction and financing costs.

To provide a reserve.

When undertaking may be constructed in another municipality. Section 12. **Consent of Another Municipality.** No municipality shall construct an undertaking wholly or partly within the corporate limits of another municipality except with the consent of the governing body of such other municipality.

Consent of state agencies not necessary. Section 13. **Consent of State Agencies.** It shall not be necessary for any municipality proceeding under this Act to obtain any certificate of convenience or necessity, franchise, license, permit, or other authorization from any bureau, board, commission or other like instrumentality of the state in order to acquire, construct, purchase, re-

construct, improve, better, extend, maintain and operate an undertaking, but the powers and duties of the State Board of Health shall continue as heretofore.

Board of Health to be complied with.

Section 14. **Regulation.** The Public Service Commission shall have no jurisdiction over the municipality in the management and control of the undertaking, including the regulation of the rates, fees, or charges.

Public Service Commission to have no jurisdiction over.

Section 15. **Construction of Act.** The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other general, special or local law. The undertaking may be acquired, purchased, constructed, reconstructed, improved, bettered, and extended, and bonds may be issued under this Act for said purposes, notwithstanding that any general, special or local law may provide for the acquisition, purchase, construction, reconstruction, improvement, betterment, and extension of a like undertaking, or the issuance of bonds for like purposes, and without regard to the requirements, restrictions, limitations or other provisions contained in any other general, special or local law, including, but not limited to, any requirement for the approval by the voters of any municipality. Insofar as the provisions of this Act are inconsistent with the provisions of any other general, special, or local law, the provisions of this Act shall be controlling.

Supplemental Act.

General laws not to interfere with purposes of Act.

Section 16. **Separability of Provisions.** If any provision of this Act, or the application of such provision to any person, body, or circumstance shall be held invalid, the remainder of this Act, or the application of such provision to persons, bodies, or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Saving clause.

Section 17. **Termination of Power to Issue Bonds.** Except in pursuance to any contract or agreement theretofore entered into by any municipality, no municipality shall borrow any money or deliver any bonds pursuant to this Act to the purchaser or purchasers thereof after June 30, 1937.

Bonds not to be issued after June 30, 1937.

Section 18. **Time of Taking Effect.** This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 142

An Act Relating to State Lands; Providing for the Resale and Repurchase of Such Lands Upon the Cancellation of Certificates of Purchase; Assuring Certain Preference Rights to the Original Purchaser in the Event of a Resale.

Be it enacted by the Legislative Assembly of the State of Montana:

Where certificates of purchase have been cancelled original purchaser may apply for resale and permission to repurchase when.

Section 1. In all cases where certificates of purchase of state lands have been or shall hereafter be cancelled by the State Board of Land Commissioners as provided by Section 88 of Chapter 60 of the Acts of the Twentieth Legislative Assembly of Montana, and the lands described in said certificate have not been resold to any other purchaser, the original purchaser, his heirs or devisees, may at any time within three (3) years from the date of cancellation of said certificate of purchase, apply to the State Board of Land Commissioners to have said land resold and for permission to repurchase the same subject to the terms of this Act.

Upon receipt of three applications a sale shall be held.

Notice of sale.

Section 2. Upon receipt of not less than three (3) such applications, or applications to purchase other state lands from any three adjoining counties, the Commissioner of State Lands and Investments shall within ninety (90) days fix a date for holding a sale of state lands in such county, and shall give notice of such sale in the manner provided by law; he shall include in this notice of sale all lands for which such applications to repurchase have been made and may include other state lands. The notice of sale shall be in such form as is now provided by law, shall be published as now provided by law, and the sale shall be conducted in accordance with present statutes.

Preference right of original purchaser.

If the land offered for sale is not under lease, the original purchaser or his successor in interest shall have the same preference right in the purchase of the land as the preference right now given to a lessee of state lands under Section 75 of Chapter 60 of the 1927 Session Laws.

Section 3. Whenever any of the state lands offered for resale under the provisions of this Act in accordance with applications as herein provided, have a dwelling house or other valuable improvements thereon having an actual value of not less than Two Hundred Fifty Dollars (\$250.00), the original purchaser or his successor in interest may ask that the land on which such dwelling house or other improvements embracing not less than eighty (80) acres shall be offered for sale without including the remaining state land in the tract; and this request shall be granted if such sale will not materially impair the salableness of the remaining tract.

Where above is a dwelling purchaser may ask for sale of only the portion containing dwelling.

Not less than fifteen (15) days before the date of such sale, a copy of the notice of sale shall be mailed to each applicant for the repurchase of state lands directed to the post office address given in his application.

Notice of sale to be mailed to each applicant.

Section 4. The terms of payment and the rate of interest on deferred payments shall be as now provided by law except that any purchaser may demand a purchase contract payable through a shorter term than thirty-three (33) years.

Terms of payment and interest.

Section 5. No resale of any land under the provisions of this Act shall have the effect of cancelling any lease thereof previously made by the State Board of Land Commissioners, but such lease unless terminated by consent of the lessee, shall continue in force and effect and the rental received therefrom shall be credited by the State Board of Land Commissioners on the new certificate of purchase so long as said certificate shall be and remain in good standing and without default.

Leases not affected by resale.

Section 6. The provisions of this Act shall apply to all state lands, including mortgaged lands acquired by the state and resold under certificates of purchase.

Act applicable to what lands.

Section 7. If any section, sentence, clause or part of this Act shall for any reason be held to be unconstitutional or invalid, such holdings shall not affect the remainder of this Act, and the Legislative Assembly hereby declares that it would have passed the remaining portions of said Act despite the fact that any part thereof may be declared unconstitutional or invalid.

Saving clause.

Supplemental Act.

Act expires
June 30, 1938.

Section 8. This Act shall not have the effect of repealing any of the statutes now in effect. It shall be considered and construed as giving additional rights to purchasers of state lands designed to meet present emergency conditions, and this Act shall automatically expire and terminate with June 30, 1938.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 143

An Act Relating to the Payment for State Lands Under Certificate of Purchase and the Reinstatement of Cancelled Certificates of Purchase in Whole or in Part.

Be it enacted by the Legislative Assembly of the State of Montana:

When a moratorium on payments due on certificates of purchase of state lands may be granted.

Section 1. Whenever the owner of a certificate of purchase of state lands embracing lands received from the United States through the Enabling Act or embracing lands acquired by the state through its farm mortgages, has become delinquent in the payment of more than one installment under such certificate of purchase and makes payment of the oldest one of such delinquent installments with interest thereon as now provided, the State Board of Land Commissioners may in its discretion regard the said contract as remaining in full force and effect without further payments for the period of one year from and after the date of such payment.

When cancelled certificate may be reinstated.

Section 2. Whenever a certificate of purchase of state lands embracing lands received from the United States through the Enabling Act or embracing lands acquired by the state through its farm mortgages has been cancelled and annulled as provided by law, the owner, his assignee, heir or devisee may within three years after the cancellation and annulment of such certificate of purchase make application to the State Board of Land Commissioners for the reinstatement of such certificate, in whole or in part, and if the lands have not been resold,

the board may in its discretion reinstate such certificate in the following manner:

The whole certificate may be reinstated by the payment of the oldest delinquent installment on such certificate together with interest thereon as now provided; or the certificate may be reinstated as to that part of the land on which the owner has erected a dwelling house with or without additional buildings worth in the aggregate not less than Two Hundred Fifty Dollars (\$250.00) at the present time if such partial reinstatement will not materially impair the salableness of the remainder of the land under the cancelled certificate of purchase. The partial reinstatement shall embrace not less than eighty (80) acres of the land under such cancelled certificate according to government subdivisions; and in the case of such partial reinstatement of a certificate of purchase of mortgage lands; the applicant shall make full payment of all the delinquent installments upon the said certificate with interest thereon as now provided in the proportion that the actual value of the acreage to be embraced in the partial reinstatement together with the value of the improvements thereon bears to the value of the total area of land in the cancelled certificate together with the improvements thereon. Before the certificate of purchase shall be reinstated, in whole or in part, evidence must be produced showing that the taxes on the said lands have been paid at least as far as the installments on the certificate of purchase and in proportions to the acreage embraced in the reinstatement thereof, have been paid to the state.

Payment of oldest delinquent installment.

When certificate may be reinstated for portion containing a dwelling.

Must contain 80 acres.

Payments for partial reinstatement.

Taxes must be paid.

Section 3. This Act shall be regarded strictly as emergency legislation; and shall not repeal any existing statutes relating to state lands but shall be regarded as giving to the State Board of Land Commissioners and to purchasers of state lands the additional rights herein enumerated.

Additional powers.

Not to repeal existing laws.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor and shall remain in full force and effect until January 1, 1938, on which date it shall automatically expire and be of no further force or effect.

Expires January 1, 1938.

Approved March 13, 1935.

CHAPTER 144

An Act to Amend Section 1219 of the Revised Codes of Montana of 1921, as Amended by Chapter 120, Laws of the Nineteenth Legislative Assembly and to Amend Sections 1221 and 1222 Revised Codes of Montana of 1921, All Relating to the Voting of Additional School Levies for District School Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1219, Revised Codes of Montana of 1921, as amended by Chapter 120, Acts of the Nineteenth Legislative Assembly, be, and the same is hereby amended so as to read as follows:

How money
may be raised
for a school
district in
excess of ten
mill levy.

“Section 1219. **District School Taxes in Excess of Ten Mill Levy—Election.** Whenever the Board of Trustees of any school district shall deem it necessary to raise money by taxation, in excess of the ten mill levy now allowed by law, for the purpose of maintaining the schools of said district, or building, altering, repairing or enlarging any school house or houses of such district, for furnishing additional school facilities for said district, for building and equipping heating or other plants for said district, or for any other purposes necessary for the proper operation and maintenance of the schools in said district, said Board of Trustees shall determine and fix the amount necessary and required for such purpose or purposes in addition to such ten mill tax levy and it shall submit the question of an additional levy to raise said amount to the qualified electors residing within the district who are taxpayers upon property therein and whose names appear upon the last completed assessment roll of the county for state, county and school taxes, either at the regular annual election held in said district or at a special election called for that purpose by the Board of Trustees of said district.”

Submit
question to
electors.

Regular or
special election.

Amending
clause.

Section 2. That Section 1221 of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

Purpose and
amount neces-
sary to be
specified.

“Section 1221. **Purposes of Levy to be Submitted—Use of Funds.** In submitting such question there shall be specified the amount to be raised by such additional

tax levy and the approximate number of mills required to raise such amount and the purpose for which the same is to be expended and if authorized the money raised by such additional tax levy shall be used for that specified purpose only; provided, that if any balance remains on hand after the purpose for which said levy was made has been accomplished, said balance may, by the vote of the trustees of said district, be transferred to any other fund of such district."

Use of funds left over.

Section 3. That Section 1222 of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

Amending clause.

"Section 1222. **Form and Marking of Ballot—Conduct of Election.** The ballot furnished electors at said election shall have printed thereon the following: 'Shall a levy be made in addition to the regular ten mill levy authorized by law in such number of mills as may be necessary to raise the sum of (state the amount to be raised by additional tax levy) for the purpose of (insert the purpose for which the additional tax levy is made)?'

Form of ballot.

☐ For an additional levy to raise the sum of (state the amount to be raised by additional tax levy), and being approximately (give number) of mills.

☐ Against an additional tax levy to raise the sum of (state amount to be raised by additional tax levy), and being approximately (give number) mills.

The voters shall mark the ballots in the same manner as ballots are marked under the election laws of this state. The election shall be held, votes canvassed and returns made as in other school elections. If the majority voting on the question are in favor of such additional levy, the Board of Trustees of said school district shall so certify to the Board of County Commissioners of the county in which said school district is situated the amount authorized by such election to be raised by such additional levy and such Board of County Commissioners shall make such additional levy in such number of mills as will raise such amount in the same manner that the levy for special taxes in said district is made."

Marking of ballots.

If majority favors board shall make additional levy.

Repealing
clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 145

An Act Limiting the Time Within Which an Action for the Recovery of Real Property of Any Dissolved Corporation, or for Possession Thereof or the Rents or Profits Thereof, May be Brought by Any Stockholder, Officer, Director or Other Person Claiming Under or Through Said Corporation.

Be it enacted by the Legislative Assembly of the State of Montana:

Applicable
to all cor-
porations.

Actions
based on real
property.

10 year limit
after dis-
solution.

Section 1. Whenever any corporation organized under the Laws of Montana or any foreign corporation owning real property in Montana or any interest therein, shall have been dissolved, either by expiration of the period limited in its charter or by decree of dissolution, or in any other manner whatsoever, no action for the recovery of any real property owned by such corporation or for possession thereof or for rents or profits of the same, shall be maintained by anyone claiming under or through such corporation, either as stockholder, officer, director, trustee or otherwise, unless such action is instituted within ten (10) years from and after the date of dissolution of such corporation.

Section 2. This Act shall take effect upon its passage and approval.

Approved March 13, 1935.

CHAPTER 146

An Act Making the State Treasurer Custodian for Any Moneys Which the Treasurer of the United States Under the Taylor Grazing Act, Approved June 28, 1934

(Public No. 482) May Pay to State of Montana, and Making it the State Treasurer's Duty to Apportion and Allocate These Moneys to the County Treasurer to Allocate and Pay and to Provide for the Allocation and Distribution of Said Funds by the County Treasurer to the Proper Funds of the County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. From and after the passage and approval of this Act, the State Treasurer shall be the custodian of all moneys that the Treasurer of the United States may transfer to the State of Montana under the terms of Section (10) of the Taylor Grazing Act approved June 28, 1934, (Public No. 482) which provides that the Secretary of the United States Treasury pay one-half of the moneys received from each grazing district each year to the state where collected, to be expended as the Legislature may prescribe.

Treasurer to be custodian of money received under Taylor Grazing Act.

Section 2. It shall be the duty of the State Treasurer to properly apportion and allocate these moneys to the County Treasurers who shall allocate and pay all such moneys as follows, fifty per cent (50%) to the county general fund and fifty per cent (50%) to the common school fund of the county.

Allocation of money received.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 147

An Act to Amend Chapter 109 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, Relating to the Regulation and Sale of Gasoline and Other Petroleum Products, by Adding After Section 19 Thereof a New Section to be Known as Section 19A, Providing for the Revocation by the Public Service Commission of the License to Engage in the Business of Selling Gasoline and Other Petroleum

Products Issued to Any Person, Firm, Partnership, Association or Corporation, and Granting the Right of Appeal Where Such Revocation is Ordered.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Chapter 109 of the Session Laws of the Twentieth Legislative Assembly, be, and the same is hereby amended by adding thereto, after Section 19 thereof, a new section to be known as Section 19A, as follows:

When license
to sell gaso-
line or other
petroleum
products may
be revoked for
unreasonable
prices or dis-
crimination.

“Section 19A. The Public Service Commission of the State of Montana is hereby vested with authority to revoke the license to engage in the business of selling gasoline and other petroleum products within the State of Montana, issued by such commission to any person, firm, partnership, association or corporation, where such person, firm, partnership, association or corporation is by such commission found guilty of charging an exorbitant or unreasonable price for gasoline sold within the state to residents of the state, or of discriminating between individuals or localities within the state in the prices charged for gasoline, or of discriminating between citizens of this state and citizens of adjoining states, to the disadvantage of the former, in the prices charged for gasoline. Anybody aggrieved by the action of such person, firm, partnership, association or corporation in so charging an exorbitant or unreasonable price for gasoline or in so discriminating between individuals or localities or in so discriminating between citizens of this state and citizens of adjoining states may file written charges with such commission against such person, firm, partnership, association or corporation, and thereupon the commission shall issue a citation to such person, firm, partnership, association or corporation to show cause before the commission within twenty days thereafter why his, their or its license should not be revoked. Such person, firm, partnership, association or corporation may appear by counsel at the hearing and contest the charge. If the charge be established by a preponderance of the evidence the commission shall make an order revoking the license, otherwise the charge shall be dismissed. Within thirty days after the order of revocation is made such person, firm, partnership, association or corporation may appeal

Person ag-
grieved may
file written
charges with
commission.

Commission
to issue cita-
tion to of-
fender to
show cause.

Commission
may revoke
license after
hearing.

therefrom to the district court of the county in which the hearing was had. The appeal must be tried in the district court upon the record made before the commission, but it shall not of itself result in staying the order of revocation. Nothing provided in this Act is intended to interfere with or regulate commerce between states, the Legislature in passing the same being actuated solely by a desire to protect the citizens of Montana against imposition.

Appeal to
district court.

Section 2. If any clause, sentence or provision in this Act shall be declared invalid, such invalidity shall not affect any other part or parts of this Act. Any provision of this Act is not intended to nor shall it be construed as modifying or repealing any of the provisions of chapter numbered 155, enacted by the Twenty-third Legislative Assembly or amendments, if any, made thereto by this Extraordinary Session.

Saving
clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 148

An Act to Amend Chapter 181 of the Session Laws of the Twenty-third Legislative Assembly of 1933, by Addition Thereto Three New Sections to be Numbered Respectively Section 4-A, Section 4-B, and Section 4-C, Relating to the Method of Ascertainment of Gain or Loss From the Sale or Exchange of Property for the Purpose of Determination of Income Tax.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 181 of the Session Laws of the Twenty-third Legislative Assembly of 1933, be, and the same is hereby amended by adding thereto three new sections to be numbered respectively Section 4-A, Section 4-B, and Section 4-C:

Amending
clause.

“Section 4-A. 1. For the purpose of ascertaining the gain derived or loss sustained from the sale or other disposition of property, real, personal or mixed, the basis

Figuring
gain or loss.

Property ac-
quired on or
after January
1, 1933.

shall be, in case of property acquired on or after January first, nineteen hundred thirty-three, the cost thereof, or the inventory value if the inventory is made in accordance with this Act.

Property ac-
quired prior
to January
1, 1933.

2. In case of property acquired prior to January first, nineteen hundred thirty-three, and disposed of thereafter,

Profit.

(a) No profit shall be deemed to have been derived if either the cost or the fair market price or value on January first, nineteen hundred thirty-three, exceeds the value realized.

Loss.

(b) No loss shall be deemed to have been sustained if either the cost or the fair market price or value on January first, nineteen hundred thirty-three, is less than the value realized.

Profit.

(c) Where both the cost and the fair market price or value on January first, nineteen hundred thirty-three, are less than the value realized, the basis for computing profit shall be the cost or the fair market price or value on January first, nineteen hundred thirty-three, whichever is higher.

Loss.

(d) Where both the cost and the fair market price or value on January first, nineteen hundred thirty-three, are in excess of the value realized, the basis for computing loss shall be the cost or the fair market price or value on January first, nineteen hundred thirty-three, whichever is lower.

How figured
for property
acquired by
gift after
December
31, 1932.

3. In the case of property acquired by gift after December thirty-first, nineteen hundred thirty-two, the basis shall be the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift. If the facts necessary to determine such basis are unknown to the donee, the State Board of Equalization shall, if possible, obtain such facts from such donor or last preceding owner, or any other person cognizant thereof. If the State Board of Equalization finds it impossible to obtain such facts, gain or loss shall be determined as provided in Subdivision One or Two of this section, except that the word "Cost" as used in said subdivisions shall be deemed to mean the fair market price or value of such property as found by the State

How figured
when infor-
mation is not
available
from donor.

Board of Equalization as of the date or approximate date at which, according to the best information that the State Board of Equalization is able to obtain, such property was acquired by such donor or last preceding owner.

4. In the case of property acquired by gift or transfer in trust on or before December thirty-first, nineteen hundred thirty-two, gain or loss shall be determined as provided in Subdivision One or Two of this section, except that the word "Cost" as used in said subdivisions shall be deemed to mean the fair market price or value of such property at the time of such acquisition. The provisions of this subdivision shall apply to the acquisition of property interests through the exercise of a power of appointment regardless of the time of acquisition.

How figured for property acquired by gift or transfer in trust on or before December 31, 1932.

5. If personal property was acquired by specific bequest, or if real property was acquired by general or specific devise or by intestacy, gain or loss shall be determined as provided in Subdivision One or Two of this section, except that the word "Cost" as used in said subdivisions shall be deemed to mean the fair market price or value of such property at the time of the death of the decedent. If the property was acquired by the decedent's estate from the decedent, gain or loss in the hands of the estate shall be determined as provided in Subdivisions One or Two of this section, except that the word "Cost" as used in said subdivisions shall be deemed to mean the fair market price or value of such property at the time of the death of the decedent. In all other cases if the property was acquired either by will or by intestacy, gain or loss shall be determined as provided in Subdivision One or Two of this section, except that the word "Cost" as used in said subdivisions shall be deemed to mean the fair market price or value of such property at the time of the distribution to the taxpayer. In the case of property transferred in trust to pay the income for life to or upon the order or direction of the grantor, with the right reserved to the grantor at all times prior to his death to revoke the trust, gain or loss in the hands of the persons entitled under the terms of the trust instrument to the property after the grantor's death shall, after such death, be ascertained in the same manner as if the trust instrument had been a will executed on the day of the grantor's death. In case such

Property acquired by specific or general devise or intestacy.

Property acquired by decedent's estate from decedent.

All other cases of property acquired by will or intestacy.

Property transferred in trust to pay income to grantor.

Where property has been appraised for inheritance tax purposes.

property has been appraised for inheritance tax purposes by the state of domicile of the transferor, or for the purpose of the United States estate tax, the appraised value shall be presumed to be the fair market price or value at the date as of which the appraisal was made, but if appraised as of the same date for more than one of such purposes, the appraisal for the purpose first specified shall be presumed to be the fair market price or value; provided, however, that nothing herein shall be construed as meaning that the basic date for the purpose of computing gains or losses on the part of the taxpayer under Chapter 181, Session Laws of 1933, was other than January 1, 1933.

Entire gain or loss to be recognized.

Section 4-B. Upon the sale or exchange of property the entire amount of the gain or loss, determined under Section 4-A of this Act, shall be recognized, except as hereinafter provided in this section.

Exceptions.

When property is exchanged for property of a like kind.

(1) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment, or if common stock in a corporation, is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation.

When stock of corporation is exchanged for stock of same corporation.

When stock is exchanged for similar security in same corporation upon reorganization.

(2) No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are, in pursuance of the plan of reorganization, exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization.

When property is transferred to a corporation in exchange for securities of same corporation when in control of corporation.

(3) No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation, and immediately after the exchange such person or persons are in control of the corporation; but if the property thus transferred (other than stock in trade) is sold or otherwise disposed of by the corporation within the six months subsequent to such transfer, gain or loss

to such person or persons shall be recognized as of the date of the exchange, the stock or securities received by such person or persons from the corporation being presumed in the absence of proof to the contrary in such case to be of the same value as the amount of the consideration received by the corporation on the subsequent sale or other disposition of such property; and it is further provided that in the case of an exchange by two or more persons this subdivision shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange.

(4) If property (as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the Board of Equalization expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund, no gain or loss shall be recognized. If any part of the money is not so expended, the gain, if any, shall be so recognized, but in an amount not in excess of the money which is not so expended.

Replacement of destroyed property no gain or loss.

If money is not so expended gain shall be recognized.

(5) If there is distributed, in pursuance of a plan of reorganization, to a shareholder in a corporation a party to the reorganization, stock or securities in such corporation or in another corporation a party to the reorganization, without the surrender by such shareholder of stock or securities in such a corporation, no gain to the distributee from the receipt of such stock or securities shall be recognized.

Receipt of stock or security of a corporation upon reorganization without surrender of stock.

(6) If an exchange would be within the provisions of Subdivision (1), (2), or (3) of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such subdivision to be received without the recognition of gain, but also of other property or money, then the gain, if

Where other property is included.

Gain.

any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

Where other
property is
included.

(7) If an exchange would be within the provisions of Subdivision (1), (2), or (3) of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such subdivision to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

Loss.

(8) As used in this section:

"Reorganiza-
tion" defined.

The term "Reorganization" means (A) a merger or consolidation (including the acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation or substantially all the properties of another corporation), or (B) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its stockholders or both are in control of the corporation to which the assets are transferred, or (C) a recapitalization, or (D) a mere change in identity, form, or place of organization, however effected.

"Party to a
Reorganiza-
tion" defined.

The term "A Party to a Reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of an acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation.

"Control"
defined.

As used in this section the term "Control" means the ownership of at least eighty per centum of the voting stock and at least eighty per centum of the total number of shares of all other classes of stock of the corporation; provided, however, that nothing herein shall be construed as meaning that the basic date for the purpose of computing gains or losses on the part of the taxpayer under Chapter 181, Session Laws of 1933, was other than January 1, 1933.

Property
exchanged
without
profit or loss,
effect of.

Section 4-C. When property is exchanged for other property and no gain or loss is realized under the provisions of Section 4-B, the property received shall be

treated as taking the place of the property exchanged therefor."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 149

An Emergency Act Relating to Taxation, Providing for the Payment in Installments of Taxes and Assessments Delinquent and Unpaid on December 1, 1934, and Repealing Chapter 45 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana and All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All taxes and/or assessments which have heretofore been levied against real property and all taxes which have heretofore been levied against personal property and which are also a lien against real property, together with the penalties and interest thereon, and which were delinquent and unpaid on December 1, 1934, except in cases where tax deed has been issued or the certificate of tax sale has been sold or assigned to private persons; may be paid in semi-annual installments extending over a period of not to exceed ten (10) years, under the terms of a contract to be made by and between the Board of County Commissioners of the county wherein such property is located and any taxpayer concerned; provided, however, that no taxes on the property aforesaid which have become due and payable subsequent to December 1, 1934, shall remain unpaid on the date when such contract is entered into.

Payment of delinquent taxes in semi-annual installments extending over 10 years permissible.

Current taxes must be paid.

Section 2. Any taxpayer desiring to avail himself of the provisions of this Act shall on or before January 1, 1936, apply to the Board of County Commissioners of

Application must be made before January 1, 1936.

the county wherein such taxes are payable, to adjust and pay such taxes as follows: The application shall be in writing, executed in triplicate and shall show:

What
application
shall show.

1. The full name and address of the applicant.
2. The legal description of all property against which said taxes or assessments are a lien or charge.
3. An itemized statement of such taxes and assessments and the total amount thereof, including interest, penalties and costs, if any.
4. That there is no tax sales certificate covering any of said taxes or assessments outstanding, and held other than by the county.
5. A certificate from the County Treasurer showing that all taxes which have become due subsequent to December 1, 1934, have been paid.
6. That the applicant contracts and agrees to pay all prior and delinquent taxes with penalty and accrued interest, in equal semi-annual payments, the first payment to accompany the application and the remainder to become due successively at the regular semi-annual dates now provided by law for the payment of general taxes, and extending for such period of years as the applicant may desire, not to exceed ten (10) years.

Board to
grant appli-
cation by
resolution.

Contract to
be entered
into.

Effect of.

Section 3. If the Board of County Commissioners finds that the statements contained in said application are true and correct, it shall grant the same by resolution, and the chairman shall endorse such approval on the back of each triplicate application, and thereupon a written contract shall be made and entered into between the applicant and the Board of County Commissioners embodying the terms and provisions of such application; one (1) copy to remain with the Board of County Commissioners, one (1) to be delivered to the County Treasurer and one (1) delivered to the applicant and thereafter no sale or assignment of tax sale certificates shall be made by the County Treasurer upon any real or personal property included in such contract while its terms and provisions are in force. If the board finds that any required statement is not contained in said application, or if any statement is not true or correct, it shall deny the same unless corrected.

Section 4. In the event that any taxes or assessments, which shall become due after the passage of this Act, against the property designated in such contract shall become and remain delinquent for sixty (60) days, or if, at any one time, two (2) successive installments on such contract remain unpaid for sixty (60) days after the second of such delinquent installments becomes due, then or in either of such events the whole amount remaining unpaid under said contract shall immediately become due and payable, and the proper county officers shall proceed to take tax deed to such property as provided by law, in the same manner as though the taxpayer had not availed himself of the provisions of this Act.

Current taxes or any installment delinquent 60 days to invalidate agreement.

Section 5. The amount of delinquent taxes, assessments, penalties and interest, as specified in said contract, shall bear no interest from and after the date of the contract herein provided for and the unpaid balance due on the contract may be paid in full at any time before application is made for the issuance of a tax deed. Whenever the payments made under said contract shall equal the amount of one or more years delinquent taxes, including interest and penalties thereon, the County Treasurer shall issue to the applicant a tax receipt showing the payment of the delinquent tax on said land for any year or years except the first delinquent year which cannot be paid until all subsequent taxes have been paid and discharged.

No interest to be charged.

Treasurer to issue receipts for taxes paid.

Section 6. This Act shall not be deemed or construed as a release or postponement of any tax or assessment due, but solely as a method whereby the taxpayer may pay said taxes or assessments over a period of time.

Not to be deemed a release.

Neither shall this Act be deemed as a moratorium on the issuance of tax deeds on lands for which the county holds tax certificates. The Board of County Commissioners may direct the County Clerk to apply for tax deeds in accordance with the existing laws of Montana, and such deeds shall issue at the time and in the manner now provided by law unless at any time prior to the actual issuance of a tax deed, application has been made by an interested taxpayer to avail himself of the provisions of this Act. Inasmuch as a large amount of taxes are now delinquent and unpaid and the collection of

Not to be deemed a moratorium on the issuance of tax deeds.

Emergency declared.

same would be greatly facilitated by the enactment of the provisions hereof; therefore, it is declared that this Act is an emergency Act designated for the temporary relief of the conditions aforesaid.

Treasurer to allocate to proper funds.

Section 7. Upon the acceptance of any application, the County Treasurer shall determine the percentage of equity of each separate fund in the total amount of the contract based upon the levy or assessment of each such fund. Upon payment of any installment or installments, the County Treasurer shall issue his official receipt therefor, and he shall immediately credit such payment to the several funds on the above basis. Upon full payment of the contract, the County Treasurer shall deliver to the taxpayer the paid tax receipts for the years covered by said contract, and shall indicate on his records that such taxes have been paid in full. Provided, that if the applicant or taxpayer fails to comply with the terms of said contract and the same has been declared null and void, and the tax deed is taken by the county, then the amount due said county, upon which the tax deed is taken, shall be the unpaid balance of all delinquent taxes or assessments, penalties and all other amounts, if any, due under said contract, together with any and all taxes which may have become delinquent and remain unpaid subsequent to said contract.

Effect of failure of taxpayer to comply with contract.

Old contracts may be cancelled and new ones under this law be entered into.

Section 8. Any person who shall have entered into a contract with the Board of County Commissioners of any county for the payment of delinquent taxes in installments, as provided by Chapter 45 of the Laws of 1933-1934, Extraordinary Session, may cancel said contract and enter into a new contract for the repayment of such delinquent taxes as provided in this Act.

Effect of making new contract.

In such event the person making such new contract shall receive credit thereon for any payment made under the original contract; any delinquency which may at the time of making such new contract, exist under the old contract, shall be added to the amount agreed to be paid under the new contract, including interest and penalties on any such delinquent taxes as now provided by law.

Duty of County Treasurer to advise delinquent taxpayer of this Act.

Section 9. It shall be the duty of the County Treasurer of each county within sixty (60) days after the passage and approval of this Act to mail notice to delin-

quent taxpayers at their last known address advising them of their rights under this chapter.

Section 10. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Saving
clause.

Section 11. Chapter 45 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana, 1933-1934, and all other Acts and parts of Acts in conflict herewith are hereby repealed. It is however, expressly declared that the repealing of said Chapter 45 shall in no manner affect any contract heretofore entered into or any Act or thing heretofore done under or by virtue of the provisions of said Act, except as provided for in Section 8 hereof.

Repealing
clause.

Section 12. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 150

An Act to Authorize Boards of County Commissioners to Convey to the United States Lands Acquired by the County for Delinquent Taxes and to Accept in Lieu Thereof Government Lands or Standing Timber of a Value Equal to the County Lands so Exchanged; Providing the Method of Effecting Such Exchange and Disposing of Such Lieu Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All real property heretofore or hereafter acquired by any county under tax title, which in the judgment of the Board of County Commissioners is suitable for the production of trees or as a water shed or for other National Forest purposes, may be conveyed by deed to the United States of America by the Board of County Commissioners in exchange for Government

Authorizing
counties to
exchange land
received for
taxes for
U. S. land
or timber.

land or timber, if in the discretion of the board it is to the advantage and best interests of the county to make such exchange. The Board of County Commissioners is hereby authorized to accept from the United States of America for and on behalf of the county, as full compensation for such county land so exchanged, title to land or timber of the United States equal in value to the appraised value of the county land so exchanged for the same.

County Commissioners authorized to dispose of timber acquired.

Section 2. The County Commissioners are hereby authorized to dispose of any timber acquired from the United States in any exchange, by agreement with the United States Department of Agriculture that such timber shall be cut and removed by any agency selected by the United States Department of Agriculture with the understanding that the stumpage payments for timber so cut will be paid over to the county in cash as full compensation for the county land exchanged to the United States, provided that the amounts of such stumpage payments so paid over shall equal the appraised value of the county land exchanged for same, and such cash payments shall be deposited in the County Treasury for the use of the county.

Lands to be sold in the manner provided by law for sale of county property.

Section 3. All land and all timber not subject to the arrangement authorized in Section 2 of this Act, acquired by the county under the provisions of this Act may be sold by the Board of County Commissioners in the manner provided by law for the sale of county property and the proceeds of such sale shall be deposited in the County Treasury for the use of the county.

Effect of conveyance of land to U. S.

Section 4. The execution by the Board of County Commissioners of a deed of conveyance to the United States of America of any county land conveyed under this Act, shall operate to discharge and cancel all tax levies, tax liens and special assessments of every sort and kind against such land and to convey all of the county's title to such lands at the time of the execution of said deed. No public notice of the intention to convey title to the United States of America to any of the property subject to this Act shall be necessary. The Board of County Commissioners shall have authority to defray all expenses necessarily incident to such exchange.

No public notice necessary.

Expenses of exchange.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing
clause.

Section 6. This Act shall take effect upon its passage and approval.

Approved March 13, 1935.

CHAPTER 151

An Act to Amend Section 8 of Chapter 178, Laws of 1933; Providing for a Budget System for Making and Controlling Estimates, Expenditures and Tax Levies for District High School and County High School Purposes; Prescribing the Powers and Duties of Boards of School District Trustees and Boards of Trustees of County High Schools, Boards of School Budget Supervisors and County Boards and Officers in Connection With the Making of Such Budgets and Such Estimates, Expenditures and Tax Levies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8 of Chapter 178 of the Session Laws of 1933 be amended to read as follows: Amending
clause.

“Section 8. In counties where students attend a high school outside of the county of their residence, as provided in Section 81 of Chapter 148, Session Laws, 1931, or have been placed in a state institution, it shall be the duty of the County Superintendent of Schools, on or before the third Monday in July to prepare a budget which shall be [not less than Sixty-five Dollars (\$65.00), nor more than Ninety Dollars (\$90.00)] for each student whose attendance outside of his county has been so authorized, or who is an inmate of a state institution.” Budget for
students
attending
high school
outside of
county.

Approved March 13, 1935.

CHAPTER 152

An Act to Amend Section 4932 of the Revised Codes of the State of Montana, 1921, to Allow Constables' Salaries in Certain Townships.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 4932 of the Revised Codes of the State of Montana, 1921, be amended to read as follows:

Fees of
Constable.

“Section 4932. **Fees of Constable.** For serving summons, including copy on each defendant, besides mileage, Fifty Cents.

Serving
subpoenas.

For serving subpoena, including copy on each person, besides mileage, Twenty Cents.

Summoning
a jury.

For all services in summoning a jury and taking charge of same, Two Dollars.

Attachment,
execution,
arrest.

For all services in serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, including all copies, One Dollar.

Preserving
property
taken.

For the expense in taking and keeping possession of or preserving property under attachment, execution, or other process, the same fees and upon the same conditions as allowed to the Sheriff.

Receiving
undertaking.

For taking and receiving undertaking in any case in which he is authorized, One Dollar.

Serving notice
or order.

For serving every notice, rule or order, besides mileage, including copy, One Dollar.

Advertising
property
for sale.

For advertising any property for sale under execution, exclusive of costs of publication, One Dollar.

Serving
writ of
possession.

For serving writ of possession, besides mileage, Two Dollars.

Trial of right
of property.

For all services in trial of right of property or damages, besides mileage, Three Dollars.

Commission
for receiving
money on
execution.

For commissions for receiving and paying over money on execution or other process where property has been levied on and sold, two per cent; when collected without sale, one per cent.

Mileage.

For mileage, the same as Sheriff and under the same conditions.

For executing in duplicate a certificate of sale exclusive of the fee for filing, One Dollar.

Certificate of sale.

For drawing and executing a Constable's deed, including acknowledgment, Three Dollars.

Constable's deed.

For making every arrest in a criminal proceeding, or executing a search-warrant, besides mileage, One Dollar and Fifty Cents.

Arrest in criminal action.

For all services in summoning and taking charge of a jury, Two Dollars.

Summoning jury.

For serving a subpoena, including copy on each person, besides mileage, Twenty Cents.

Serving subpoenas.

For every mile necessarily traveled in executing any warrant, serving subpoena, or taking a person before a magistrate or to jail, the same mileage as in civil actions, and under the same conditions, and in addition, in serving a subpoena or warrant when two or more persons are named in any warrant or subpoena, in the same or different actions in the hands of the officer, and such persons live in the same direction, but one mileage must be charged, as provided for the mileage of Sheriffs in civil actions.

Mileage when serving papers.

When only one mileage allowable.

When two or more persons are brought before a magistrate or to jail at the same time, or might have been so brought, the officer must be allowed but one mileage.

For conveying a person when under arrest, the actual expense incurred in the transportation of such person must be allowed by the Board of County Commissioners, but the officer must pay his own expenses out of his mileage.

Transportation of arrested persons.

The total amount of fees allowed in criminal cases by the Board of County Commissioners must not exceed Five Hundred Dollars (\$500.00) in any one year. The excess must be paid into the contingent fund of the County Treasury.

County charges not to exceed \$500 a year.

That Constables in townships having a population of twelve thousand (12,000) people and not exceeding twenty thousand (20,000) people, shall each receive a salary of \$900.00 per annum, payable monthly from the County Treasury. Constables in townships having a pop-

Salaries allowed in townships of 12,000 and over.

Fees not allowed when salary is paid.

ulation of more than twenty thousand (20,000) people shall each receive a salary of \$1,500.00 per annum, payable monthly from the County Treasury, and Constables in such townships where the population is twelve thousand (12,000) people and not more than thirty-five thousand (35,000) people shall receive no other fees for civil suits or criminal actions except mileage in the performance of their duties. Any such fees received by the Constables shall be turned over to the County Treasurer."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 153

An Act Providing for the Printing and Binding of Supreme Court Decisions, Session Laws and Codes, Calls for Bids Therefor by the State Purchasing Agent and Providing for the Performance of Such Work Within the State of Montana by Montana Labor, Subject to the Limitations Herein.

Be it enacted by the Legislative Assembly of the State of Montana:

State Purchasing Agent to call for bids for printing decisions Session Laws and Codes.

Section 1. The State Purchasing Agent shall, as occasion may require, call for bids for the printing and/or the binding of all decisions of the Supreme Court of Montana, all session laws, resolutions and memorials, and all codes and statutes (revised or otherwise). All contracts for the printing and/or binding thereof shall be let to contractors, publishers, or printers actually doing business within the State of Montana, and all labor on or connected with such printing and/or binding shall be performed within the State of Montana; and no such printing or binding shall be done or performed without the State of Montana, provided, however, that nothing herein contained shall prevent the receipt of bids from contractors, publishers or printers doing business outside of Montana, and in the event that the bids for such

State printers to be preferred.

printing and/or binding from contractors, publishers or printers actually doing business within the State of Montana are in excess of ten (10) per centum of the bids received for such printing and/or binding from contractors, printers or publishers doing business outside the State of Montana, contracts on such bids may be let or awarded to contractors, publishers or printers outside the State of Montana, and the labor thereon performed outside of Montana.

10% differential in favor of state printers.

When out of state printers may do work.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect upon its passage and approval.

Approved March 13, 1935.

CHAPTER 154

An Act Relating to Sales and Conveyances of Real Property by the Board of County Commissioners; Defining "Minerals" and "Real Property" and Permitting the Board When Making Sales and Conveyances of Real Property to Reserve a Per Centum of the Minerals Therein or Taken Therefrom; Providing That the Person Mining, Producing, Extracting or Otherwise Taking Any Minerals From Real Property in Which a Per Centum of the Minerals Have Been Reserved Shall Pay to the Owner or Owners of the Mineral Reservations the Fair Market Value of the Reserved Per Centum of the Minerals Mined, Produced, Extracted or Otherwise Taken From Such Real Property, Which Obligation Shall Run With the Unreserved Minerals; Providing for the Disposition of the Proceeds From Such Mineral Reservations and Validating and Confirming Reservations and All Contracts and Agreements in Connection Therewith, Which Have Been Heretofore Made.

Be it enacted by the Legislative Assembly of the State of Montana:

"Minerals"
defined.

Section 1. As used in this Act the word "Minerals" means, and shall be construed to include, minerals of every kind, character and description, including oil and gas; and the words "real property" mean, and shall be construed to include, any and all real property acquired by the county by purchase, tax deeds, legal proceedings or however acquired.

"Real Prop-
erty" defined.

Sale of county
property.

Board may
reserve min-
eral right.

Limitation on.

Conveyance
to provide for
reservation.

Payment to
be made from
proceeds of
mines.

County to
receive pay-
ments when.

How money
received shall
be applied.

Section 2. The Board of County Commissioners of any county in this state when making sales and conveyances of real property, may in such cases as in its judgment it is for the best interests of the county so to do, reserve to the county, and except from the sales and conveyances, not to exceed six and one-quarter ($6\frac{1}{4}$) per centum of all minerals therein or thereafter mined, produced, extracted or otherwise taken therefrom, and in such cases it shall be provided in each conveyance that if the purchaser, his or its heirs, executors, administrators, successors, grantees, assigns, lessees or any other person, firm or corporation, shall mine, produce, extract or otherwise take any minerals from the real property described therein, the one so doing shall at such time or times as the owner of such reservation, or of any interest therein, shall designate, pay in cash to the owner of such reservation, or to each owner of an interest therein in proportion to his interest, the fair market value of the reserved per centum of all such minerals mined, produced, extracted or otherwise taken from said real property, as the value and purchase price of the interest of the owner or owners of said reservation in the minerals so mined, produced, extracted or otherwise taken from said real property, and this obligation shall run with the unre-served portion of said minerals and be binding and obligatory upon any and all persons who mine, extract, produce or otherwise take any of the minerals from said real property. When the county is the owner of the reservation or of any interest therein, such payment shall be made to the County Treasurer at such time or times as the board shall designate.

Section 3. All proceeds received from said mineral reservations, or of any part or parts thereof, shall be applied, in the case of tax deed lands, in the same manner that moneys received from the sale of tax deed lands are now or hereafter required to be applied. Where the

mineral reservations are in lands which represent a fund or funds, or in which a fund or funds have an interest (other than tax deed lands), the proceeds shall be applied to such fund or funds to the extent of such representation or interest, the balance to be credited to the general fund of the county. In all other cases the proceeds shall be credited to said general fund.

When proceeds go to general fund.

Section 4. All mineral reservations heretofore made by counties in this state, whether the same are of a greater percentage than is herein fixed, or not, and all agreements in connection with such reservations, heretofore made, whether in conformity with this Act or not, are hereby ratified, confirmed and validated.

All prior reservations are ratified.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6. This Act shall take effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 155

An Act Validating the Organization of Irrigation Districts in the State of Montana and the Bonds, Warrants and Other Evidence of Indebtedness Heretofore Issued by Any Such Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any irrigation district created by order heretofore made and entered by any district court or Board of County Commissioners in this state, a certified copy of which order has been or shall be filed for record in the office of the County Clerk and Recorder of the counties wherein the lands included within such district are situated, and which has exercised the rights and powers of such a district and shall have had and now has in office a board of directors or commissioners exercising the duties of their office, and the legality or regularity of the formation or organization whereof shall not have been questioned by proceedings in quo warranto

Irrigation districts to which this Act is applicable.

Validation of. instituted in the district court of the county in which such district, or the greater portion thereof, is situated, and commenced within one year from the date of the entry of such order, shall be conclusively deemed to be a legally and regularly organized, established and existing irrigation district; and its due and lawful formation and organization shall not hereafter be questioned in any action, suit or proceeding, whether brought under the provisions of the statutes relating to irrigation districts or otherwise.

All bonds, warrants and other evidences of indebtedness declared valid.

Section 2. All bonds, warrants or other evidence of indebtedness heretofore issued by any irrigation district for an indebtedness incurred by said district and for which said district received value, now outstanding and unpaid, whether or not said bonds, warrants or other evidence of indebtedness were or are in excess of any limitation provided by law and regardless of the lapse of time between the authorization thereof and the date of their issuance, are hereby declared valid and enforceable obligations against said district. Any exchange of unsold portions of any authorized bond issue or any irrigation district for any such outstanding warrants or for any such indebtedness of said district and the exchange of any new bonds heretofore or hereafter authorized by said district for any such bonds, warrants or other evidence of indebtedness heretofore issued by said irrigation district, are hereby declared valid. Provided this Act shall apply only to irrigation districts that have been in operation and furnishing water for at least ten years, and this Act shall not change in any manner the distribution of liability and obligation of indebtedness between land owners within the district as fixed by existing law.

Act to apply to districts furnishing water for at least 10 years.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 156

An Act Providing Educational Opportunities for the Children of Soldiers, Sailors and Marines Who Were Killed in Action or Died During the World War.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Thousand Dollars (\$3,000.00) is hereby appropriated out of money in the State Treasury, not otherwise appropriated, for the purpose of creating and maintaining a "World War Orphans' Education Fund" from which shall be paid in whole or in part the charges for the tuition, matriculation, board, room rent, books and supplies of such of the children of those who served in the World War and had a legal residence in this state at the time they were commissioned, warranted, enlisted or inducted into the military or naval service of the United States and were either killed in action or died from other causes while in such service between April 6, 1917, and July 2, 1921, as are attending or may attend any of the state institutions of learning during the fiscal years of 1935 and 1936, provided any such child shall have entered such institution while between the ages of sixteen and twenty-one.

"World War Orphans' Education Fund" established.

Requirements necessary before receiving benefits.

Section 2. The State Board of Education shall determine the eligibility of all children who make application for the benefits provided for in this Act and said board shall satisfy itself of the attendance of such children at any such institution and the accuracy of the charges submitted to said board by the authorities of any such institution on account of attendance thereof of any such children.

Board of Education to determine eligibility of children applying.

Section 3. Said board shall determine the amount to be allotted to any such child, but in no event shall more than Two Hundred and Fifty Dollars (\$250.00) be allotted to any such child in any fiscal year and the sums allotted shall be paid direct to the institution, upon due presentation of a claim therefor bearing the approval of the State Board of Education endorsed thereon.

Board to determine amount to be allotted to each child.

Not to exceed \$250 per annum.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 157

An Act to Amend Chapter Forty-one (41) of the Session Laws of Montana, of the Extraordinary Session of 1933-34, Providing a License Tax on All Persons, Associations or Corporations Owning or Operating a Telegraph Business in This State.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1 of Chapter Forty-one (41), of the Session Laws of Montana, of the Extraordinary Session of 1933-34, relating to a license tax, be, and the same is hereby amended to read as follows:

2% gross in-
come tax upon
telegraph
business.

“Section 1. That on and after the first day of January, 1934, there is hereby levied and shall be collected an annual tax of two per cent (2%) of the gross income derived from intrastate business on the transmission of telegraph messages over telegraph lines in this state owned by any person, association or corporation; provided, however, that no bill, statement or account rendered or given any customer shall set out or contain, as a separate item, any amount on account, or by reason of, the license tax imposed by this Act. Such annual license tax shall be paid in quarterly installments for the quarters ending respectively, March 31, June 30, September 30, and December 31, in each year.”

Not to be
set out on
customer's
account.

Payable when.

Amending
clause.

Section 2. That Section 2 of Chapter Forty-one (41) of the Session Laws of the Extraordinary Session of 1933-34, relating to the payment of a license tax, be, and the same is hereby amended to read as follows:

Statement
each quarter.

“Section 2. Each and every person, association or corporation engaged in carrying on such business in this state, shall, within thirty (30) days after the end of each quarter, beginning with the quarter ending March 31, 1934, make out in duplicate and file with the State Board of Equalization, under oath, a statement in such form as the State Board of Equalization may require and prescribe, showing the total gross income of such person, association or corporation derived from business within this state including the transmission of telegraph messages originating and terminating within this state, but excluding therefrom the gross income derived from the

Contents of.

transmission of telegraph messages passing through this state but both originating and terminating outside of this state and from those originating outside of, but terminating within, this state and from those originating within, but terminating outside of, this state during the preceding quarter, and containing such other information as the State Board of Equalization may require; and shall accompany such statement with the payment to the State Board of Equalization of a license tax in amount equal to two per cent (2%) of such gross income."

Payment to
accompany
statement.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 158

An Act Providing for Reimbursing the United States Government for the Expense of Emergency Conservation Work if and When, by a Sale of Land or Products, the State Derives a Profit From Such Work.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Reimbursement of Federal Government for Emergency Conservation Work Resulting in Profit to the State.** If, upon a sale of state land or its products the State Board of Land Commissioners determines that the state has derived a direct profit as the result of work on the land sold, or on land the products of which are sold, done or to be done under a project carried on pursuant to an Act of Congress entitled "An Act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March thirty-first, nineteen hundred and thirty-three, one-half of such direct profit as the result of work on the land sold, or on land the products of which are sold, shall be applied to or toward reimbursing the United States Government for moneys expended by it under such Act for work so done, to the extent and at the rate of One Dollar per man per day for the time spent at such work but not exceeding in the aggregate Three Dollars per acre. The

Sale of
state lands.

Profit from
sale due to
improvement
by Federal
Government
to be paid
to Federal
Government.

Rate for
payment.

How paid. said board shall fix and determine the amount of such direct profit. Such one-half part of such direct profit shall be paid to the State Treasurer to be held as a separate fund until the account of the United States Government with respect to such sale, becomes liquidated. Upon the completion of the sale, the said board is hereby authorized to settle with the proper Federal authority an account fixing the amount due the United States Government and to pay over to it the amount so fixed. This section shall not be construed to authorize the sale of state lands or products but applies only to a sale now or hereafter authorized by other provisions of law. This section is enacted to procure a continuance of emergency conservation work within the state, under such Act of Congress.

Repealing clause. Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall become effective from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 159

An Act to Amend Section 8259 of the Revised Codes of Montana 1921 as Amended by Chapter 14 of the Laws of the Nineteenth Legislative Assembly of the State of Montana, Relating to the Recording and Filing of Assignments of Mortgages and Requiring That the Same Shall Contain the Post Office Address of the Assignee and Prohibiting the Recording Thereof Unless Containing Such Post Office Address, and to Repeal Section 8260 of the Revised Codes of Montana 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That Section 8259 of the Revised Codes of the State of Montana of 1921 as amended by Chapter 14 of the Session Laws of the Nineteenth Legislative Assembly, be, and the same is hereby amended to read as follows:

“Section 8259. An assignment of a real estate mortgage may be recorded in like manner as a real estate mortgage and an assignment of a chattel mortgage may be filed in like manner as a chattel mortgage and the record thereof shall operate as due and legal notice to the mortgagor and all persons subsequently deriving title to the mortgage from the assignor as well as to all other persons including subsequent purchasers, encumbrancers, mortgagees or other lien holders.

Recording of assignments of mortgages.

Any such assignment shall contain the assignee's post office address at his place of residence, and shall not be entitled to be recorded or filed unless it contains such post office address.”

Post office address of assignee necessary.

Section 2. That Section 8260 of the Revised Codes of Montana of 1921 is hereby repealed.

Repealing clause.

Section 3. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 160

An Act for Compulsory State Laboratory Protein Testing of All Wheat Delivered to Public Grain Warehouses in the State of Montana, and to Establish Standard Rules Governing the Testing of Wheat for Protein in Marketing or Handling by Grain Warehousemen, and Fixing the Fees for Making Such Tests and Providing Penalties for Violations of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Each public grain warehouseman as defined by the laws of the state shall take a sample from each load of wheat delivered to his warehouse and preserve such sample in an air-tight container with the owner's name thereon. As hauling is completed by each owner the several samples taken from all the loads of any one owner shall be mixed thoroughly together, ex-

Warehouseman to keep a sample of each load of wheat.

Portion of sample to be shipped to state laboratory.

cept that high, medium, or low protein wheat from the same owner or wheat of different types, varieties or grades shall be segregated and separate containers provided for each. A one pint portion of the composite sample shall be submitted to the State Grain Laboratory at Great Falls, Harlowton, or Bozeman and the balance shall be held in the owner's container. In the event of dissatisfaction on the part of warehousemen or owner either party shall have the right to a final appeal to the state laboratory.

Test of laboratory binding upon parties.

In case of an appeal a one pint portion of the remainder of the owner's sample shall again be submitted to the state laboratory with a statement of facts of the appeal and a final test in duplicate shall be made by the laboratory. The certificate of the state laboratory of such test shall be final and binding upon both parties in establishing the basis of the price paid by the warehouseman. A fee of Fifty Cents (\$0.50), for each protein test may be made, to be deducted and paid at the time of final settlement; provided, however, upon written request of owner, no protein test need be made upon said owner's wheat.

Fee for test.

Owner may by writing waive test.

Penalty for violation.

Section 2. Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Three Hundred Dollars (\$300.00) and not more than Five Hundred Dollars (\$500.00) for each offense.

Repealing clause.

Section 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 161

An Act Providing for the Printing and Distribution of the Revised Codes of Montana of 1935 and Appropriating Money Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Contract for Publication of Codes.** The State Board of Examiners is hereby authorized to contract for the printing of the Revised Codes of Montana of 1935; said contract shall be advertised and let in the same manner as provided by law for the letting of contracts for state printing.

Board of Examiners to contract for printing
R.C.M. 1935.

Section 2. **Contract—to Whom Let—Delivery of Codes.** The State Board of Examiners shall contract for the publication of said work on the terms most expeditious and advantageous to the state. The contract shall specify that a definite number of sets of said Code shall be printed and delivered to the Secretary of State of Montana, for the purpose of distribution as hereinafter provided. The board may exercise its discretion as to the number of sets of said Code which shall be printed and delivered to the state, taking into consideration the cost and necessity for the same. Provided, however, that the contract shall not call for more than one thousand sets of said Code.

Number of sets of said Code to be printed.

Limited to 1,000 sets.

Section 3. **Time for Performance of Contract.** The State Board of Examiners shall fix the time to be allowed for the completion of the work, and the performance of said work within the time so fixed shall constitute a part of the terms of the contract.

Time allowed for printing.

Section 4. **Number of Volumes—Style of Publication.** The number of volumes, the style and the size of type to be used, the quality of paper and workmanship and the form and plan of the arrangement for the Revised Codes of Montana of 1935, shall be designated by the Justices of the Supreme Court.

Number of volumes and style to be designated by Supreme Court.

Section 5. **Publisher to Supply for Private Use.** The contract shall require the publisher to keep on hand for sale at a reasonable price to be fixed by the State Board of Examiners, a sufficient number of copies of said Codes to supply all demands for the same for private use in the State of Montana for a period of ten years, and also to supply all future demands of the State of Montana for the same period.

Supply for private sale to be kept by publisher for 10 years.

Section 6. **Payments—How Made.** Whenever the Secretary of State of Montana shall issue his certificate that he has received all of the Codes, printed and bound in

Payments, when and how made.

Advance to
publisher
may be made.

Other ex-
penses to be
authorized
by board.

Bond of
\$10,000 to be
executed by
publisher.

Distribution
of Codes.

accordance with said contract, the State Auditor is hereby directed to draw his warrant in favor of the publishers of said Code for the amount of money due under said contract, and the State Treasurer is hereby authorized to pay said warrant out of any moneys in his hands appropriated for said purpose by the Legislature. The State Board of Examiners is also hereby authorized in its discretion to advance to the publishers of said work partial payments upon said contract during the progress of the work, whenever in its judgment the making of such advance is necessary and proper to promote the progress of said publication. All payments of expenses incident to the publication and distribution, not made to the publisher, shall be made as authorized and directed by the State Board of Examiners.

Section 7. **Bond of Publisher.** The publisher to whom said contract is awarded must execute to the State of Montana a good and sufficient bond to be approved by the State Board of Examiners in the sum of Ten Thousand Dollars conditioned for the faithful performance of said contract.

Section 8. **Distribution of Codes.** The Secretary of State, upon receipt of said published Codes shall distribute the same, or so many of them as may be necessary, in the following manner, to-wit:

To each department of the State Government of Montana, one copy.

To each member of the Twenty-fourth Legislative Assembly, one copy.

To the State Law Library, two copies.

To the Library of Congress, two copies.

To the State Historical and Miscellaneous Library, one copy.

To the State Law Librarian, for the purpose of exchanges with libraries, universities and other institutions, such number of copies, not to exceed one hundred, as may be required by him.

To each of the component institutions of the University of Montana, one copy.

To each of the United States District Judges for the District of Montana, and to each of the Judges of the Supreme and District Courts of Montana, one copy.

To the County Clerk of each county, three copies, for the use of the various county officials.

To each County Attorney and to each Clerk of the District Court, one copy.

The Secretary of State may further distribute the Revised Codes of Montana of 1935 at his discretion, to other departments of government not herein enumerated, when the same are deemed absolutely necessary, and may exchange new sets for worn-out sets, when the latter are returned to his office.

Secretary of State may further distribute and may exchange.

Section 9. **Appropriation.** The sum of Fifteen Thousand Dollars (\$15,000.00) or so much thereof as may be necessary, and the same is hereby appropriated out of any moneys in the State Treasury in the general fund, not otherwise appropriated, to pay for the printing, distribution and other necessary expenses in relation thereto, of the Revised Codes of Montana, of 1935.

Appropriation for printing, distribution and other necessary expenses.

Section 10. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 11. This Act shall be in full force and effect from and after its passage by a majority vote of the members of both Houses of the Legislative Assembly, and its final approval.

Approved March 13, 1935.

CHAPTER 162

An Act to Amend Section 10170 of the Revised Codes of Montana, 1921, Relating to the Giving of Notice to Creditors in Estates of Deceased Persons, Providing When Such Notice Need Not be Given; Providing for the Manner of Giving Such Notice; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 10170 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Notice to
creditors of
decedent.

"Section 10170. Every executor or administrator must, immediately after his appointment, cause to be published in some newspaper in the county, if there be one, if not, then in such newspaper as may be designated by the court or judge, a notice to the creditors of the decedent, requiring all persons having claims against him to exhibit them, with the necessary vouchers, to the executor or administrator, at the place of his residence or business, to be specified in the notice; such notice must be published as often as the court or judge shall direct, but not less than once a week for four weeks; the court or judge may also direct additional notice by publication or posting. In case such executor or administrator resigns, or is removed, before the time expressed in the notice, his successor must give notice only for the unexpired time allowed for such presentation; provided, that in estates where the value of the property is less than the preferred claims against said estate, or in estates wherein the property thereof has been or is set apart to the surviving widow and/or children as provided by law, in which cases no notice to creditors need be given."

Publication of.

Notice where
executor or
administrator
resigns or is
renamed.

When notice
need not be
given.

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 163

An Act Relating to the Codification and General Revision of the Laws of Montana, Repealing Sections 222, 653, 736 Through 756 Inclusive, 1033, 1570 Through 1575 Inclusive, 1583 Through 1602 Inclusive, 2162, 2221, 2273 Through 2295 Inclusive, 2384 as Amended by Chapter 186 of the Laws of 1925, 2385, 2386, 2387, 2388, 2389 as Amended by Chapter 186 of the Laws of 1925, 2390, 2391, 2392 as Amended by Initiative Measure

Number 31, Laws of 1927, 2418, 2437, 2774, 3549, 5215, 5357 Through 5365 Inclusive, and 9982 Through 9989 Inclusive, of the Revised Codes of Montana of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sections of the Revised Codes of Montana of 1921, be, and the same are hereby repealed: Sections 222, 653, 736 through 756 inclusive, 1033, 1570 through 1575 inclusive, 1583 through 1602 inclusive, 2162, 2221, 2273 through 2295 inclusive, 2384 as amended by Chapter 186 of the Laws of 1925, 2385, 2386, 2387, 2388, 2389 as amended by Chapter 186 of the Laws of 1925, 2390, 2391, 2392 as amended by Initiative Measure Number 31, Laws of 1927, 2418, 2437, 2774, 3549, 5215, 5357 through 5365 inclusive, and 9982 through 9989 inclusive.

Repealing
clause.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 164

An Act Defining, Licensing and Regulating Dealers Engaged in Buying, Selling, Warehousing or Storing Beans: Defining the Words "Commissioner", "Warehousman" or "Person", "Beans" and "Storage" or "Warehousing"; Defining Transactions in Beans; Providing for Licenses and Date of Expiration, Amount Thereof and Disposition of Fees; and Providing for Appeal; Providing for Bonds and Amount Thereof and Fixing Conditions and Providing for Recovery Thereunder; Providing for Inspection; Establishing Grades; Providing for Records and Reports; Prescribing Powers and Duties of the Commissioner of Agriculture; Providing for Penalties for Violation of Act; and Providing for Repealing of Chapter 55 of the Session Laws of 1933 and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Commissioner of
Agriculture
to enforce.

Section 1. The provisions of this Act shall be administered and enforced by the Commissioner of Agriculture of the State of Montana.

Definitions.

Section 2. The following terms and words whenever used in this Act, or in the rules and regulations later promulgated by the commissioner shall have the meaning as indicated.

"Commissioner."

(a) The word "Commissioner" shall mean the Commissioner of Agriculture of the Montana Department of Agriculture.

"Warehouseman" or
"Person."

(b) The words "Warehouseman" or "Person" shall mean dealer, shipper (except grower), society, association, organization, corporation or their agents or representatives.

"Beans."

(c) The word "Beans" shall mean all varieties of the bean family (except green beans) whether grown or purchased for seed, feed or human consumption.

"Storage" or
"Warehousing."

(d) The words "Storage" or "Warehousing" shall mean any method by which beans are held for any party, other than direct ownership, by the party doing the storing.

Scope of Act.

Section 3. This Act shall cover all transactions in beans and they shall not be handled, purchased, sold or stored under the provisions of any grain Act.

Annual
license fee.

Section 4. All persons engaged in the business of buying and selling at wholesale or warehousing and storing beans, or receiving or soliciting beans for purchase, sale or storage either within or without the State of Montana shall, before engaging in such business, procure a license from the commissioner and shall pay a license fee to the Department of Agriculture of Montana in the sum of Fifteen Dollars (\$15.00), which shall be deposited with the Treasurer of the State of Montana and credited to the special fund known as the "Revolving Fund of the Division of Horticulture" to be expended by the chief of the said division upon approval of the Treasurer of the State of Montana, and all moneys so deposited shall be held subject to the uses of the Chief of the Division of Horticulture for the purpose of carrying out the pro-

Disposition
of money
received.

visions of this Act. Said licenses shall be renewed annually and the prescribed fee shall be paid annually. All licenses shall be issued for the fiscal year or fraction thereof and ending June 30th next following.

When license is payable.

Section 5. The commissioner shall prescribe forms for application for such licenses and shall require from the applicant such facts and information as he may determine and as may seem appropriate to carry out the provisions of this Act. The applicant must satisfy the commissioner as to his qualifications, warehouse and storage facilities, experience and financial ability to carry on the business of buying, selling, warehousing and storing, and upon furnishing evidence thereof satisfactory to the commissioner he may be granted or refused a license. Provided that if license is refused by the commissioner appeal may be made in accordance with the provisions in Sections 5, 9, 10, 11 and 12 of Chapter 164 of the Montana Session Laws of 1933.

Form of application for license.

Qualifications of applicant.

Appeal from refusal to grant license.

Section 6. Every person applying for a license to engage in such business of buying, selling, warehousing or storing beans in accordance with this Act shall, as a condition precedent to the granting thereof, execute and file with the commissioner a good and sufficient surety bond in the sum of Five Thousand Dollars (\$5,000.00) to the State of Montana, executed by a responsible surety company licensed to do business in this state, to be approved by the commissioner, conditioned upon the faithful performance of his obligations as a bean dealer or warehouseman under the laws of this state and as prescribed in this Act, and of such additional obligations as may be assumed by him under contract with the respective depositors of the beans with him. The commissioner may from time to time require additional bond under penalty of revoking the license. Said bond shall otherwise be in such form and shall contain such additional conditions as the commissioner may prescribe to carry out the purposes of this Act, and may, in the discretion of the commissioner, include the requirements of fire insurance.

Applicant to file bond.

Conditions of bond.

Additional bond may be required.

Fire insurance may be required.

Section 7. Any person injured by the breach of any obligation to secure which a bond is given, as in this Act provided, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover

Suit on bond.

the damages he may have sustained in such breach, or where more than one (1) person has been so injured, the action may be brought in the name of the State of Montana on behalf of all such injured persons.

When action may be in name of state.

Fee for inspection of warehouses.

Section 8. The commissioner shall charge, assess and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this Act to be paid to the State Department of Agriculture and deposited as provided in Section 4 of this Act, provided that such fee shall not exceed Ten Dollars (\$10.00) per annum.

Record to be kept by dealer in beans.

Section 9. Every dealer in beans shall make and keep a full and complete record of all beans handled by him covering the following facts:

Contents of.

- a. Name and address of the producer or shipper.
- b. Date of receipt.
- c. Kind, quantity, quality and grade of beans received.
- d. Agreed purchase price if purchased.
- e. Agreed storage price if stored.
- f. Agreed commission charged if consigned.
- g. Date of sale, to whom sold and price.
- h. Date and details of settlement with vendor or consignor.

Record open to inspection by commissioner.

The above records shall be open to the confidential inspection of the commissioner or his authorized agents at all times. Every warehouseman shall issue a receipt for all beans received for storage on a form approved by the commissioner as provided in Section 10 of this Act.

Commissioner may prescribe rules and regulations.

Section 10. The commissioner shall prescribe such rules and regulations as he may deem necessary for the safe conduct of the business referred to in this Act, including a scale of storage charges and storage receipts and to that end may, if he deems it necessary, require reports from any warehouseman or person receiving stored beans on blanks or forms that may be prepared by the commissioner.

Beans to be graded before storing.

Section 11. All beans accepted for storage shall first be graded according to the standards of the United

States Department of Agriculture and the grade so established shall be noted and specified upon the warehouse receipt issued for such beans.

Section 12. The storage of beans under the terms of this Act shall constitute a bailment and upon the return of the warehouse receipt properly endorsed, and upon the payment or tender of all advances and legal charges, the holder of such warehouse receipt shall be entitled to, and it shall be compulsory for the warehouseman to deliver the identical grade and amount of beans so placed in storage. Every dealer, under the provisions of this Act, shall maintain at all times in original storage beans equal in amount and grade to all storage certificates issued, unless authorized in writing by holders of receipts or by the commissioner, to move to other storage, and failure to do so shall constitute a conversion.

Storage constitutes a bailment.

Dealer to keep an equal amount and quality of beans to storage certificates issued.

Section 13. Every warehouseman or person operating under this Act shall keep in a place of safety complete and correct records of all beans stored by him and of all beans withdrawn from storage; of all warehouse receipts issued by him; and of all the receipts returned to and cancelled by him; and shall make such reports to the commissioner concerning such matters as may be required by the commissioner by rules and regulations established by him.

Record of transactions to be kept.

Section 14. For the purpose of enforcing the provisions of this Act, the commissioner upon his own motion may, or upon verified complaint against any dealer or any person, firm, exchange, association or corporation assuming or attempting to act as such, shall have authority to, and must make any and all investigations he deems necessary, and he shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage and transportation or any other facilities or places in which beans are kept, stored, handled or transported. If the commissioner, upon investigation, shall have reason to believe that any dealer is not acting in accordance with the provisions of this Act, or upon the filing of a verified complaint against any dealer, it shall be the duty of the commissioner to have personal service made upon said dealer, or to mail by registered mail a complaint, or a copy of the verified complaint against

Commissioner may investigate so as to be able to enforce Act.

Complaint and hearing upon violations.

said dealer, and in the event the dealer fails to make formal adjustment or settlement of the charges set forth therein, to the satisfaction of the commissioner, the commissioner shall give notice of the time and place of a formal hearing thereon. Notice of any hearing shall be given at least twenty (20) days prior thereto and said hearing shall be held in the city or town in which the transaction complained of is alleged to have occurred.

Commissioner's powers in conducting hearing.

He shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers, and other documents, articles or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation; and all parties disobeying the orders of subpoenas of said commissioner shall be guilty of contempt and shall be certified to any district court of the state, which court shall punish any such contempt. Copies of records, inspection certificates, certified reports and all papers on file in the office of the commissioner shall be prima facie evidence of the matters therein contained.

Hearing by commissioner.

At the time and place appointed for such hearing the commissioner shall hear all parties and their evidence and thereupon the commissioner shall dismiss the charges, or suspend the license of the dealer for a specified time, or revoke the same, or make such other appropriate order as he may deem just and proper; any order shall specify the effective date thereof and any order other than the one suspending or revoking a license shall automatically suspend such license until such order is complied with. Provided, that an appeal may be made from the decision of the commissioner according to the provisions of Sections 5, 9, 10, 11 and 12 of Chapter 164 of the Montana Session Laws of 1933.

Power to make appropriate orders.

Appeal.

Penalty for doing business without license.

Section 15. Any person who shall engage in or carry on any business or occupation for which a license is required by this Act without first having obtained a license therefor, or who shall continue to engage in or carry on any such business or occupation after such license has been revoked or expired, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25.00) nor more than

One Hundred Dollars (\$100.00), and each and every day that such business or occupation is so carried on or engaged in shall be a separate offense. Any person who shall otherwise violate any of the provisions of this Act, or shall by any manner or means convert to his own use, or that of another, any beans so stored or accepted for storage shall, if the value of such converted beans exceed Five Hundred Dollars (\$500.00), be deemed guilty of a felony; and if the value is less than Five Hundred Dollars (\$500.00) be deemed guilty of a misdemeanor, and in either case upon conviction, shall be punished by fine or imprisonment, or both, as otherwise provided by law.

Penalty
for other
violations.

Section 16. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Saving
clause.

Section 17. Chapter 55 of the Session Laws of 1933 and all Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 18. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 165

An Act to Amend Section One (1) of Chapter Six (6) of the Session Laws of the Twenty-third Extraordinary Session 1933-34 and Any Amendment Thereof Relating to and Authorizing Any County, City, Town or School District Having an Outstanding Valid Indebtedness in an Amount in Excess of Fifty Per Centum (50%) of the Total Indebtedness Which it May Lawfully Incur Under the Provisions of the Constitution of This State Limiting the Amount of Indebtedness Which May be Incurred by Counties, Cities, Towns and School Districts, to Refund its Outstanding Bonded Indebtedness

and Providing the Method and Procedure Therefor as Amended by and Under the Provisions of Senate Bill No. 20 of the Regular Session of the Legislative Session of the Twenty-fourth Legislative Assembly of the State of Montana, 1935, Herein Particularly Provided and Extending the Privileges of Said Act to Towns of Less Than One Thousand Inhabitants Regardless of Their Relative Percentage of Total Indebtedness to Total Assessed Valuation, Without Qualification Other Than the Certain Three Per Centum Provided Generally by Section Six (6) of Article Thirteen (XIII) of the Constitution of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1 of Chapter 6 of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana of 1933-34 and any amendment thereof be, and the same is hereby amended to read as follows:

Act applicable
to whom.

Time
limitation
May 1, 1937.

Power to
issue, sell or
exchange
bonds.

Refunding
bonds.

Indebtedness
limitations.

“Section 1. Any county, city, town or school district, however organized, now having, or which may have at any time prior to May 1st, 1937, an indebtedness consisting of outstanding bonds and registered warrants lawfully issued, in an amount in the aggregate in excess of fifty per centum (50%) of the total indebtedness which may be lawfully incurred under the provisions of the Constitution of this state limiting the amount of indebtedness which may be incurred by counties, cities, towns and school districts, may at any time prior to May 1st, 1937, issue and sell or exchange its bonds, or any part thereof, in the manner and according to the provisions of this Act; hereby further providing that where the only purpose and effect of bonds to be hereafter issued under the provisions of this Act is to refund matured bonds heretofore lawfully issued for any purpose by any incorporated town of the State of Montana having less than one thousand (1,000) inhabitants according to the last official census thereof, such refunding bonds may issue and no requirement or qualification as to the relative percentage or proportion of total indebtedness to total assessed valuation of such town need be considered except or other than the certain general limitation to three per centum (3%) mentioned and provided for

in and by Section Six (6) of Article Thirteen (XIII) of the Constitution of the State of Montana. The term "Municipal" and all derivatives thereof as used herein shall refer to and include all counties, incorporated cities and towns and school districts. The term "Governing Body" as used herein shall refer to the Board of County Commissioners, City or Town Council or Commission, Board of Trustees, or other body of the particular municipality exercising the legislative functions thereof."

"Municipal" defined.

"Governing Body" defined.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 166

An Act to Amend Section 45 of Chapter 105 of the Session Laws of 1933 (Commonly Called the Liquor Control Act of Montana), Relating to the Possession and Sale of Intoxicating Liquors and to Add a New Section to Said Chapter 105, Which New Section Shall be Known as Section 88(a), Relating to the Jurisdiction of District Courts in All Actions Arising Under the Provisions of Said Chapter 105, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 45 of Chapter 105 of the Session Laws of the State of Montana of 1933, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 45. (1) Except as provided by this Act, no person shall, within the state, by himself, his clerk, servant, or agent, expose or keep for sale, or directly or indirectly or upon any pretense, or upon any device, sell, or offer to sell, or in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, give to any other person any liquor.

Sale of liquor unlawful except as provided by this Act.

Foreign
substance in
beer unlawful.

(2) No person shall have, keep or sell any beer, or malt liquor, to which has been added any foreign substance.

Possession
of liquor not
purchased
from state
liquor store
or druggist
unlawful.

(3) No person shall have or keep any liquor within the state which has not been purchased from a state vendor of the Montana Liquor Control Board or from a druggist authorized to sell the same; provided, however, that nothing in this Act shall prohibit any person entering this state from any other state, or from any foreign country, from having in his possession not to exceed one (1) quart of alcoholic liquor, which liquor shall have been purchased in another state or foreign country but no person claiming to have so entered the state, shall at any time, have in his possession more than one (1) quart of intoxicating liquor which shall not have been purchased from a state liquor store. This subsection shall not apply to the board or to the keeping or having of liquor by brewers, distillers and other persons duly licensed by the United States for the manufacture of such liquor; nor to the keeping or having of any proprietary or patent medicines or of any extracts, essences, tinctures or preparations where such having and keeping is authorized by this Act.

Possession
of 1 quart
purchased
out of state
permissible.

Not applicable
to licensed
brewers nor
to possession
of medicines,
etc.

Not applicable
to officers
of state.

Beer not
included.

(4) Nothing contained in this section shall apply to the possession by a Sheriff or his bailiff of liquor seized under execution or other judicial or extra-judicial process nor to sales under executions or other judicial or extra-judicial process to the board, or in the case of beer to a brewer, beer licensee, club licensee or canteen licensee."

Amending
by adding
new section.

Section 2. A new section to be known as Section 88(a), Chapter 105, Laws of Montana, 1933, be, and the same is hereby enacted to read as follows:

District court
to have origi-
nal jurisdic-
tion.

"Section 88(a). The district courts shall have original jurisdiction in all criminal actions for violations of the provisions of this Act, and in all civil actions for the recovery or enforcement of fines, penalties and forfeitures provided for in this Act, and all such actions, both criminal and civil, shall be instituted, prosecuted and tried in the district court."

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 13, 1935.

CHAPTER 167

An Act to Amend Section 3722 Revised Codes of Montana of 1921, as Amended by Chapter 77 of the Laws of 1923, and by Chapter 59 of the Laws of 1927, and by Chapter 99 of the Session Laws of 1931, Relating to Protection of Beaver, and Beaver License and Tagging, and Repealing All Laws in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3722 Revised Codes of Montana of 1921, as amended by Chapter 77 of the Laws of 1923, and by Chapter 59 of the Laws of 1927, and by Chapter 99 of the Session Laws of 1931, relating to protection of beaver and beaver license and tagging, be, and the same is hereby amended to read as follows: Amending clause.

“Section 3722. **Protection of Beaver—Beaver License.** No person shall take, trap, kill, capture or attempt to take, trap, kill or capture, or in any way destroy any beaver in the State of Montana, or possess, buy, sell, ship or transport within or without the state, or cause the same to be done, any beaver or any part thereof including skins or hides and castors, whether taken within or coming from without the state, except as hereinafter permitted. Unlawful to kill or capture beaver.

Provided that upon payment of a fee of Ten Dollars (\$10.00), the State Fish and Game Warden may issue a permit to any bona fide owner or lessee of real estate which is being actually and materially damaged by beaver, to take or destroy beaver on his own or leased premises only, and provided that the Warden shall, when issuing the permit mentioned, designate therein the maximum number of beaver that may be taken or destroyed Permit to take beaver on your own property or leased property when damage is being done.

When appli-
cation for
permit must
be made.

"Premises"
defined.

Game Warden
to examine
premises.

Affidavit as
to number of
beaver taken
together with
50c for each
skin must be
sent to Game
Warden.

Tags for each
beaver skin.

Fee for
services.

Record
of tags.

Tagged beaver
skins from
other states
to be reported.

under such permit. All applications for beaver permits shall be filed with the State Fish and Game Warden, between the dates of May first (1st) and November thirtieth (30th) of each year. The term 'Premises' shall be construed to include any irrigation ditch or right of way appurtenant to the land for which said license or permit is issued.

That the State Fish and Game Warden shall in person or by deputy examine the premises and investigate the alleged damage by beaver before issuing a license or permit.

Any person trapping beaver under a license or permit of the State Fish and Game Warden shall properly care for all skins of beaver taken thereunder and as soon as cured shall send to the Deputy State Fish and Game Warden residing in his county, or in event of such deputy being absent or unable to act, then to the nearest deputy from the place of the trapper's residence, and send to such officer an affidavit giving his name, residence, license or permit number, the date and place of capture, with the number so captured, together with Fifty Cents (50c) for each skin, and if such officer is satisfied of the legal taking of the same, he shall thereupon immediately forward such affidavit with the money, and a report, to the State Fish and Game Warden, and upon the receipt thereof the State Fish and Game Warden shall forward to such deputy numbered metal tags sufficient in number for one to be attached to each skin covered by the affidavit; upon the receipt of such tags, the deputy shall so attach them to the skins and shall receive from the owner Ten Cents (10c) for each skin so tagged by him, the same to be for his services.

A record of tags so issued shall be kept in the office of the State Fish and Game Warden.

Any person who shall receive or bring into from without the state any beaver skin or skins duly tagged with a distinctive numbered metal tag of another state, shall report their arrival within ten (10) days to the State Fish and Game Warden and furnish an affidavit setting forth the number of skins, the date of receipt, the name and address of the person from whom procured, the manner or method of transportation into the state, and the

numbers designated on the tags, and the name of the state so tagging the same, and the same shall be accompanied by a fee of Fifty (50c) Cents, and it shall not be necessary for such skins to be retagged with a Montana tag, nor any other fees paid therefor.

Fee for report.

The State Fish and Game Warden shall keep a record of all skins so reported.

Record of.

Each metal tag shall remain attached to the beaver skin to which it was originally affixed until it is dressed and manufactured into an article of commerce, or it shall accompany any skin shipped or transported out of the state. It shall be a misdemeanor, punishable as herein-after provided, to remove a tag from such skin, to duplicate or reproduce such tags for fraudulent purposes or use contrary to the provisions of this Act, or to misuse any tag detached from the skin to which it was originally attached.

Tags to remain on skin until manufactured into article of commerce.

Penalty for violating tagging regulations.

Beaver skins, taken within the state under permit, and those coming from without the state, tagged as herein provided, may be possessed, bought, sold or transported at any time within the State of Montana, but no beaver skin or skins may be exported in any manner from the state without the shipper first obtaining an export or shipping permit from the State Fish and Game Warden, which may be issued upon application showing the kind and number of the metal tags on said skins and the payment of a fee of Fifty (50c) Cents for the permit for each shipment.

Right to deal with tagged skins within state.

Export or shipping permit required.

Any package offered for transportation from the state which contains a beaver skin or skins shall be clearly marked on the outside thereof with the names and addresses of the consignor and the consignee, the number and kind of skins contained therein, and the number of the shipping permit. The taking and sale of live beaver under permit issued by virtue of the provisions of this section shall be regulated by the Fish and Game Commission, and the license fee to be charged for sale of live beaver shall be Three (\$3.00) Dollars for each beaver sold, provided that live beaver shall be sold only to those who hold a license for the purpose of the propagation of fur-bearing animals in this state.

Requisites of package for shipping beaver skins.

License fee for taking live beaver.

Proviso.

Penalty for
violations.

Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished as hereinafter provided. Any beaver skin or skins taken or found in this state or which have been shipped out of this state except as specifically permitted by this section are hereby declared contraband and shall be seized by the State Fish and Game Warden, deputy or other officer authorized to enforce the provisions of this Act. All skins so seized shall be marked or tagged for identification and sold by the State Fish and Game Warden to the best advantage, and the proceeds therefrom turned into the State Treasury to be credited to the fish and game fund.

Seizure
of skins.

Sale of
confiscated
skins.

When trapping
permits expire.

Beaver trapping permits issued under the provisions of this Act shall expire May first (1st) of each year, and all beaver skins taken thereunder and not reported and tagged according to the provisions of this section prior to July first (1st) following shall be subject to seizure and sale as herein provided."

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 168

An Act to Provide for the Collection of Per Capita Poor Taxes and Road Taxes Which Are Authorized by Law and Authorizing the Seizure and Sale of Personal Property to Secure the Payment of Such Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of Treas-
urer to collect
road taxes
and poor tax.

Section 1. The County Treasurer must demand payment of road taxes, as authorized by Section 5 of Chapter 100 of the Laws of the Twenty-second Legislative Assembly of 1931, and poor taxes authorized by Sections 1617, 1663 or Section 5219 of the Revised Codes of Montana, 1921, of every person liable therefor whose name does not appear on the assessment lists and on the neg-

lect or refusal of such person to pay the same, he must collect by seizure and sale of any property owned by such person.

Seizure of property.

These taxes shall be added upon the assessment lists to other taxes of persons liable therefor, paying taxes upon real and personal property and paid to the County Treasurer at the time of payment of other taxes. And all personal property assessed against a person shall be liable for the payment of such taxes.

How and when to be paid.

Section 2. The procedure for the sale of such property by the County Treasurer for such taxes shall be regulated by Chapter 174 of the Political Code 1921, Revised Codes of Montana.

Procedure for sale of property.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 169

An Act Establishing a Water Conservation Revolving Fund to be Designated the "Conservation Revolving Fund" Providing for the Collection and Payment of Moneys Into Said Fund and Disbursements Therefrom; Making Appropriations Therefor; Making Appropriation of Funds for the "Conservation Administration Fund" and the "Conservation Revolving Fund" Out of the Net Proceeds to the Credit of the Montana Liquor Control Board Fund; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of carrying out the provisions of the Water Conservation Act, Acts amendatory thereto and supplementary thereof, and such other authority, powers and duties as are conferred upon the Water Conservation Board by law, there is hereby cre-

Creation of conservation revolving fund.

All moneys of water conservation program to be deposited in said fund.

Various revenues listed.

ated a state reclamation revolving fund hereinafter designated the "Conservation Revolving Fund", which shall consist of all moneys that may from time to time be appropriated thereto by the Legislative Assembly from other funds in the State Treasury; all sums of money donated or contributed to said fund by the Federal Government and/or any departments or agencies thereof; all gifts, donations, bequests and devises made to the state therefor, and proceeds of the sale thereof; the proceeds of the sale or redemption of and the interest earned by the securities purchased or acquired by the moneys thereof; all reimbursements for money advanced for the payment of the assessments upon state, school granted and other public lands for the improvement thereof as provided by law; all reimbursements for money advanced for the investigation and survey of reclamation, electrification and rehabilitation systems or projects proposed to be financed in whole or in part by the reclamation of lands and dyking, drainage, and dyking and drainage dams for conservation of water to be used in reclamation of land or stock reservoirs or for the construction, maintenance and operation of plants or projects for the manufacture or distribution of electric current; revenues arising from projects constructed or owned by the board in excess of costs of operation and maintenance, and repayment of principal and interest of any moneys borrowed for the construction of such projects; all sums payable as rentals due for water use, maintenance or operation upon any project owned by the state or for which such rentals are due and payable under any contract or agreement made by any person, association or corporation with the said board; all sums of money received by the board for the use of electric current, in excess of the maintenance and operation upon any electrification system or project; all reimbursements for cost of surveys and investigations for moneys advanced to counties, cities or towns or their proportion of the cost thereof, or from any other sources.

Payment of all expenses from fund.

Expenses listed.

Section 2. From the moneys appropriated and credited to the "Conservation Revolving Fund", there shall be paid, upon vouchers approved by the board, attested by the secretary, such sums as are found to be necessary or expedient for the investigation and survey of unclaimed and undeveloped lands, to determine the relative

agricultural value, productiveness, uses and feasibility and cost of the reclamation and development thereof; for the investigation and survey of electrification and rehabilitation systems and projects proposed to be financed in whole or in part by the board; such amounts as may be authorized by the board for the reclamation of lands by dyking, drainage, dyking and drainage and irrigation districts duly and regularly organized under the laws of this state and such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands; such amounts as may be authorized by the board for the construction, maintenance and operation of dams and dykes for the conservation of water for reclamation projects or stock reservoirs, and purchase of rights-of-way and other costs preliminary to construction of reclamation, stock reservoirs, electrification or rehabilitation systems or projects authorized under the Water Conservation Act or Acts amendatory thereof or supplemental thereto, provided that whenever deemed practical the board may employ County Surveyors in the assistance and preparation of surveys and investigations conducted by the board.

Section 3. For the uses and purposes of the provisions of this Act, the Water Conservation Act, and all Acts amendatory thereof or supplemental thereto, there is hereby appropriated out of and from the Montana Liquor Control Board fund for the year ending March 1st, 1936, as allocated and provided for in Subdivision (A) of Section 20 of Substitute House Bill No. 343 of the Twenty-fourth Legislative Assembly of the State of Montana, 1935, fifteen per centum (15%) of the net profits derived from time to time from the administration of Chapter 105 of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933, as amended in part by Chapter 57 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, 1933-34, as further amended in part by Substitute House Bill No. 343 of the Twenty-fourth Legislative Assembly of the State of Montana, 1935, into the "Administration Fund" of the Water Conservation Board for the purpose of the general administration expenses of said board and the cost of surveys and investi-

Appropriation for general administration expenses and cost of surveys and investigations.

For year ending March 1, 1936.

Limitation on amount.

For year
ending March
1, 1937.

Limitation
on amount.

When payable
to fund.

Appropriation to carry out general purposes of water conservation program.

10% of net profits of liquor store not to exceed \$150,000.

gations as authorized by this Act, the Water Conservation Act, or any Acts amendatory thereof or supplemental thereto, until such per centum shall aggregate but not exceed the sum of One Hundred Thousand Dollars (\$100,000.00); and there is hereby appropriated out of and from the said Montana Liquor Control fund for the year commencing March 1st, 1936, and ending March 1st, 1937, six and two-thirds per centum ($6\frac{2}{3}\%$) of the net profits as allocated and provided for by Subdivision (A) of Section 20 of said Substitute House Bill No. 343 of the Twenty-fourth Legislative Assembly of the State of Montana, 1935, into the "Administration Fund" of the Water Conservation Board for the purpose of general administration expenses of said board and the cost of surveys and investigations as authorized by this Act, the Water Conservation Act, or any Acts amendatory thereof or supplemental thereto, until such per centum shall aggregate, but not exceed One Hundred Thousand Dollars (\$100,000.00); provided, no warrants shall be drawn upon the administration fund in excess of the amount in the State Treasury to the credit of such fund and, provided, further, that the State Treasurer shall credit the "Administration Fund" with the amount of the appropriations herein provided, as and when received upon filing in the office of the State Treasurer a copy of the resolution of the board showing the amount authorized to be transferred by the Montana Liquor Control Board on the 20th day of each and every month commencing on the 20th day of March, 1935, and continuing each month thereafter until the full sum of the appropriations aforesaid have been paid into the "Administration Fund."

Section 4. For the uses and purposes of carrying out the provisions of this Act, there is hereby appropriated out of and from the Montana Liquor Control Board fund as allocated and provided for by Subdivision (A) of Section 20 of Substitute House Bill No. 343 of the Twenty-fourth Legislative Assembly of the State of Montana, 1935, for the year commencing March 1st, 1936, and ending March 1st, 1937, ten per centum (10%) of the net profits derived from the administration of the Montana Liquor Control Board fund, as and when received, but which per centum shall not exceed a sum aggregating

One Hundred Fifty Thousand Dollars (\$150,000.00), into the conservation revolving fund, for carrying out the provisions of the Water Conservation Act and Acts amendatory thereof or supplemental thereto, and all of the Acts of the Legislative Assembly designed for the cooperation of the State Water Conservation Board with departments and agencies of the Federal Government, in aid of the relief of unemployment and rehabilitation of the people of Montana; there is also hereby appropriated out of and from all moneys received from inheritance taxes hereafter received by the State of Montana as allocated and provided for by Subdivision (E) of Section 20 of Substitute House Bill No. 343 of the Twenty-fourth Legislative Assembly of Montana, 1935, seventy per centum (70%) of the money thereof when and as received, until such time as said sum shall amount to, but not exceed the sum of Three Hundred Fifty Thousand Dollars (\$350,000.00) into the conservation revolving fund for carrying out the provisions of the Water Conservation Act and Acts amendatory thereof and supplemental thereto as aforesaid, provided no warrant shall be drawn upon the conservation revolving fund in excess of the amount in the State Treasury to the credit of such fund and provided further that the State Treasurer shall credit the conservation revolving fund with the amount received from the said inheritance taxes upon receipt thereof; provided, however, that the appropriations herein provided for are deemed to be the same appropriations allocated to the Water Conservation Board as provided for in Substitute House Bill No. 343 of the Twenty-fourth Legislative Assembly of the State of Montana, 1935.

70% of inheritance taxes
not to exceed
\$350,000.

Section 5. If any section or provisions of this Act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

Saving
clause.

Section 6. The Legislative Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety, that an emergency exists; therefore this Act shall

Emergency
clause.

be in full force and effect from and after its passage and approval.

State Examiner to audit conservation revolving fund annually.

Open to public inspection.

Section 7. The State Examiner is hereby required strictly to examine and audit said conservation revolving fund and the fiscal operations of said Water Conservation Board at least once each year, and report fully thereon, said report to be filed in the office of the Secretary of State where the same shall be open to public inspection.

Approved March 13, 1935.

CHAPTER 170

An Act for the Payment of Old Age Assistance: Establishing a State Old Age Pension Commission, County Old Age Pension Commission; Prescribing Their Duties as Such; Giving to Said Commissions Certain Powers, Duties and Obligations; Defining the Qualifications of Those Entitled to Receive Old Age Assistance; Providing for the Manner of Arriving at the Amount Thereof; Providing for the Administration of Said Act, Forms of Applications: Requiring Counties to Pay a Portion of Said Assistance From County Poor Funds and Providing for a Levy Therefor; Providing Funds for the State Old Age Pension Commission and Establishing a Special Fund Known as the State Old Age Assistance Fund; Providing That Aid From the United States Government in Furtherance of This Act be Placed in Said Fund; Providing That the Counties be Refunded Not to Exceed Seventy-five Per Cent of the Amount Expended for Assistance From Said Fund; Providing for the Investigation of Claims, Approval Thereof, Granting of Assistance and to Whom Paid; Providing for Revocation and Review of Assistance Grants; Providing for the Residence of Applicants, and Change of Residence; Providing for Reports; Prohibiting the Assigning of Grants; Permitting Under Certain Conditions Claims to be Made by the State and Counties Against the Estate of Deceased Old Age Pensioners; Providing for Assignment of Property by Recipient of Pensions; Recovery of Assistance Payments;

Providing for the Expenses Incurred in Carrying Out the Provisions of the Act; Making Certain Acts Fraudulent: and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Creation of Commission.** Subject to the provisions of this Act every person residing in the State of Montana, if in need, shall be entitled to old age pension assistance from the state. There is hereby established in the State of Montana a State Old Age Pension Commission which shall be the Montana Relief Commission, to serve as such without any additional compensation and shall have authority to make such rules and regulations consistent with the provisions hereof as are necessary to carry out the provisions of this Act. Said board shall have full power and authority to enforce this Act and to do all things necessary and requisite toward the fulfillment of the purposes of this Act.

State Old Age Pension Commission established.

Power and authority of commission.

Section 2. **County Commission.** There shall be established in each county of the State of Montana a County Old Age Pension Board hereinafter called the County Old Age Pension Commission. The County Old Age Pension Commission shall consist of the Boards of County Commissioners of the respective counties of the State of Montana and the County Relief Committee designated by the Montana Relief Commission, both to serve as such without any additional compensation.

County Old Age Pension Commission.

Commission, how composed.

No additional compensation.

Section 3. **Requirements.** Persons eligible to receive old age assistance. Old age assistance may be given under this Act to any person who:

Persons eligible for old age pensions.

(1) Has attained the age of sixty-five (65) years.

65 age.

(2) Has income which, when added to the contributions in money, substance or service from legally responsible relatives or others, is inadequate to provide a reasonable subsistence compatible with decency and health.

Income insufficient for reasonable subsistence.

(3) Is a citizen of the United States.

Citizen of U. S.

(4) Has been a resident of the State of Montana for at least five (5) years within the ten (10) years immediately preceding his application for old age assistance.

Residence requirement in state.

County
residence
necessary.

(5) Has resided in and been an inhabitant of the county in which application is made for at least one (1) year immediately preceding the date of the application. Any person otherwise qualified who has resided in the state for five (5) years or more within the ten (10) years immediately preceding the application, and who has no legal residence, shall file his application in the county in which he is residing, and his assistance, if granted, shall be paid entirely from state funds until he can qualify as having a legal residence in the said county. For the purpose of this Act, every person who has resided one (1) year or more in any county in this state shall thereby acquire a legal residence in such county, which he shall retain until he has acquired a legal residence elsewhere, or until he has been absent voluntarily and continuously for one (1) year therefrom.

Pension where
no county
residence is
established.

Residence,
how acquired
and lost.

Not to be
inmate of
public or
private in-
stitution.

(6) Is not at the time of receiving assistance an inmate of any public or private institution, except in the case of temporary medical or surgical care in a hospital.

Voluntary
transfer of
property.

(7) Has not made a voluntary assignment or transfer of property for the purpose of qualifying for such assistance, except as provided in Sections 15, 22 and 23 of this Act.

In need of
institutional
care.

(8) Is not because of his physical or mental condition in need of continued institutional care.

Amount of
assistance.

Section 4. Amount of the Assistance. It shall be the duty of the County Old Age Pension Commission to provide a reasonable subsistence compatible with decency and health for those eligible for old age assistance under the provisions of this Act. The amount of the old age assistance to any such person shall, subject to rules, regulations, and standards of the State Old Age Pension Commission, be determined by the County Old Age Pension Commission with due regard to the conditions existing in each case.

Who shall
determine.

Application
for pension.

Section 5. Application. A person requesting old age assistance under this Act shall make his application therefor to the County Old Age Pension Commission of the county in which the applicant resides or is establishing legal residence. An inmate of a public or private institution of a correctional, custodial, or curative character may make an application while in such a home or

Where made.

institution, but the assistance, if granted, shall not be paid until after he ceases to be such an inmate. The application shall be made in writing or reduced to writing, upon standard forms prescribed by the State Old Age Pension Commission.

Application to be written.

Section 6. **State Administration.** The State Old Age Pension Commission shall supervise the administration of old age assistance under this Act by the County Old Age Pension Commission. The State Old Age Pension Commission shall prescribe the form of and print and supply to the County Old Age Pension Commission blanks of applications, reports, affidavits and such other forms as it may deem advisable. The State Old Age Pension Commission is hereby authorized to and shall make rules and regulations necessary for the carrying out of the provisions of this Act to the end that old age assistance may be administered uniformly throughout the state, having regard for the varying costs of living in different parts of the state and that the spirit and purpose of this Act may be complied with. All rules and regulations made by the State Old Age Pension Commission under this Act shall be binding upon the County Old Age Pension Commission and the counties.

Forms to be made and supplied by state commission.

State commission to make rules and regulations.

Rules binding on County Commissioners.

Section 7. **Levy and Payment.** In each county old age assistance shall be paid from the county poor fund. It is hereby made the duty of the appropriate authority in each county to make a levy in an amount not prohibited by law, so as to make available to the order of the County Old Age Pension Commission such a sum as may be needed for old age assistance and include such sum in the taxes to be levied in each county.

Pensions to be paid from county poor fund.

Levy to be made for.

Section 8. **Records and Accounts.** The County Old Age Pension Commission shall keep such records and accounts in relation to old age assistance as the State Old Age Pension Commission shall prescribe. The state shall reimburse each county from any funds available and from funds received by the state from the United States Government in an amount not exceeding seventy-five per centum (75%) of the amount expended for assistance for each aged person which has been granted under the provisions of this Act and in accordance with the rules of the State Old Age Pension Commission.

Records to be kept by County Commissioners.

State to reimburse county for pensions paid.

When claims for reimbursement shall be presented.

Section 9. Claims for Reimbursement. Claims for state reimbursement under this Act shall be presented by the respective County Old Age Pension Commissions to the State Old Age Pension Commission at such time and in such manner as the State Old Age Pension Commission may prescribe.

Approval of claims to extent of funds provided by U. S. Government.

Section 10. Approval of Claims. Approval of such claims shall be made by the State Old Age Pension Commission to the extent of the funds available and funds provided by the United States Government and the State Old Age Pension Commission shall certify to the State Treasurer the amount so approved by it, specifying the amount to which each county is entitled. The amount so certified shall be paid from the State Treasury to the County Treasurer of each county entitled thereto.

Investigation of applicant for old age pension.

Section 11. Investigation of Applicant. Whenever a County Old Age Pension Commission receives an application for an old age assistance grant, an investigation and record shall be promptly made of the circumstances of the applicant. The object of such investigation shall be to ascertain the facts supporting the application made under this Act and such other information as may be required by the rules of the State Old Age Pension Commission. The County Old Age Pension Commission and the State Old Age Pension Commission shall have the power to issue subpoenas for witnesses and compel their attendance and the production of papers and writings and officers and employees designated by the County Old Age Pension Commission or the State Old Age Pension Commission may administer oaths and examine witnesses under oath.

Power to subpoena witnesses and to administer oaths.

County Commissioners to decide eligibility and amount of pension.

Section 12. Granting of Assistance. Upon the completion of such investigation the County Old Age Pension Commission shall decide whether the applicant is eligible for and should receive an old age assistance grant under this Act, the amount of the assistance, and the date on which the assistance shall begin. It shall make an award which shall be binding upon the County Old Age Pension Commission and be complied with by such County Old Age Pension Commission until modified or vacated. It shall notify the applicant of its decision in writing. If an applicant is denied or the grant is deemed inadequate by the applicant, he may appeal to

Notify applicant of decision in writing.

the State Old Age Pension Commission. The State Old Age Pension Commission shall upon receipt of such an appeal review the case. The State Old Age Pension Commission may also, upon its own motion, review any decision made by the County Old Age Pension Commission. The State Old Age Pension Commission may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount and nature of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this Act. All decisions of the State Old Age Pension Commission shall be binding upon the County Old Age Pension Commission involved and shall be complied with by the County Old Age Pension Commission.

Appeal to state commission.

Decisions of state commission binding upon counties.

Section 13. Recipient Shall Not Receive Other Public Assistance. No person receiving an old age assistance grant under this Act shall at the same time receive any other relief from the state, or from any political subdivision thereof, except for medical and surgical assistance.

Not to receive other public assistance.

Section 14. Assistance May be Paid to Guardian. If the person receiving old age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the State Old Age Pension Commission may direct the payment of the installments of the old age assistance to any responsible person for his benefit.

Payments may be paid to guardian when.

Section 15. Subsequent Increase of Income. If, at any time during the continuance of old age assistance, the recipient thereof or the husband or wife of the recipient, becomes possessed of any property or income in excess of the amount enjoyed at the time of the granting of the assistance, it shall be the duty of the recipient immediately to notify the County Old Age Pension Commission of the receipt and possession of such property or income, and the County Old Age Pension Commission may, on inquiry, either cancel the assistance or vary the amount thereof in accordance with circumstances, and any excess assistance theretofore paid shall be returned to the state and the county in proportion to the amount of the assistance paid by each respectively, and be recoverable as a debt due the state and the county.

Duty of recipient of pension to notify commission of increase of income or property.

Commission to adjust pension accordingly.

When commission may revoke pension allowance.

Section 16. Revocation of Aid. If at any time the State Old Age Pension Commission has reason to believe, by reason of a complaint or otherwise, that an old age assistance allowance has been improperly granted, it shall cause an investigation to be made. If it appears as a result of any such investigation that the assistance was improperly granted, the State Old Age Pension Commission shall immediately notify the County Old Age Pension Commission that it will not approve any payment made thereafter.

Periodic review of pension allowances.

Section 17. Periodic Review of Assistance Grants. All assistance grants under this Act shall be reconsidered from time to time, or as frequently as may be required by the rules of the State Old Age Pension Commission. After such further investigation as the County Old Age Pension Commission may deem necessary or the State Old Age Pension Commission may require, the amount and manner of giving the assistance may be changed or the assistance may be withdrawn if such authority finds that the recipient's circumstances have changed sufficiently to warrant such action. It shall be within the power of the County Old Age Pension Commission at any time to cancel and revoke assistance for cause, and it may for cause suspend payments for assistance for such periods as it may deem proper, subject to review by the State Old Age Pension Commission, as provided in Section 12.

When pension may be changed or revoked.

Pension where recipient changes residence from one county to another.

Section 18. Change of Residence of Person Receiving Old Age Assistance. Any person qualified for and receiving assistance hereunder in any county in this state who removes to another county in the state, shall be entitled to receive assistance under the provisions of this Act after a one-year residence in the county to which such person has removed, provided an agreement in writing has been entered into by and between the two (2) counties concerned approving such transfer or removal, and thereupon the county of first residence of such person shall continue his assistance for one (1) year and until the aforesaid residence has been established by him in the second county.

County commission to make reports.

Section 19. Reports. Each County Old Age Pension Commission shall make such reports and in such detail as the State Old Age Pension Commission may from time

to time require, and shall transmit to the State Old Age Pension Commission upon its request copies of the application and any or all other records pertaining to any case. The State Old Age Pension Commission is hereby authorized and directed to make such reports and in such detail as may be required of it to the Federal Government. Within ninety (90) days after the close of each calendar year, the State Old Age Pension Commission shall make a report to the Governor for the preceding year, which shall include a full account of the administration of this Act, the expenditure of all funds under this Act, adequate and complete statistics concerning old age assistance within the state and such other information as the State Old Age Pension Commission may deem advisable.

State commission may report to Federal Government.

State commission to report annually to Governor.

Section 20. Assignability of Assistance. All assistance given under this Act shall be inalienable by any assignment or transfer and shall be exempt from levy or execution under the laws of this state.

Pensions exempt from levy, etc.

Section 21. Claims Against the Estate of an Assisted Person. At the death of a person to whom the assistance is granted or the last survivor of a married couple, the total amount of assistance since the first grant, together with five per centum (5%) of interest, shall be deducted and allowed by the proper courts out of the proceeds of his or her property as a preferred claim against the estate of the person so assisted and refunded to the state and county in the proportion of the assistance paid by each, leaving the balance for distribution among the lawful heirs in accordance with law.

Refund to state from estate of recipient of pension.

Section 22. Assignment of Property by Recipient. If the County Old Age Pension Commission shall deem it necessary, it may with the consent of the State Old Age Pension Commission, require as a condition to the grant or continuance of assistance in any case, that all or any part of the property of a person applying for aid be transferred to said County Old Age Pension Commission. Such property shall be managed under rules and regulations of the State Old Age Pension Commission by the County Old Age Pension Commission, which shall pay the net income thereof to such person; said County Old Age Pension Commission shall have power to sell, lease,

Commission may require that property be assigned to county commission.

Use of property by commission.

or transfer such property or defend or prosecute all suits concerning it and to pay all just claims against it and to do all things necessary for the protection, preservation and management thereof. If the assistance to such person is discontinued during his lifetime, the property thus transferred to the County Old Age Pension Commission shall be returned to him subject to a lien on such property for any sums paid to him as assistance under this Act, or the remainder of such property after deducting therefrom the sums paid to him as assistance under this Act shall be returned to him. In the event of his death, the remainder of such property, after deducting therefrom the sums paid him as assistance under this Act, shall be considered as the property of the beneficiary for proper administrative proceedings. The County Old Age Pension Commission shall execute and deliver all necessary instruments to give effect to this section. The County Attorney at the request of the County Old Age Pension Commission shall take the necessary proceedings and represent the County Old Age Pension Commission in respect to any matters arising under this Act.

When property shall be returned.

Amount to be returned.

County Attorney to represent county commission.

Action against relative to recover amount of assistance when maintainable.

Section 23. Recovery of Assistance Payments. If at any time during the continuance of old age assistance allowance the County Old Age Pension Commission has reason to believe that a spouse, son, or daughter liable for the support of the recipient of assistance is reasonably able to assist him, it shall, after notifying such person of the amount of the assistance granted, be empowered to bring suit against such spouse, son, or daughter to recover the amount of the assistance provided under this Act subsequent to such notice, or such part thereof as such spouse, son or daughter was reasonably able to have paid.

Expenses of county commission to be paid by state commission.

Section 24. Expenses of Act. All necessary expenses incurred by the County Old Age Pension Commission in carrying out the provisions of this Act shall be paid by the State Old Age Pension Commission.

All moneys for old age pensions to go to state old age assistance fund.

Section 25. Disposition of Receipts. All money appropriated by the Legislature for old age assistance, all money received from the United States Government in aid of old age assistance, and all money received from any other source for the purposes of old age assistance

shall be paid into the State Treasury and constitute a special fund to be designated as the State Old Age Assistance Fund and said money shall be disbursed as herein provided and in accordance with the laws of the State of Montana.

Section 26. **Fraudulent Acts.** Any person who by means of a wilfully false statement or representation, or by impersonation or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain:

Fraudulent acts concerning pensions constituting misdemeanors.

- (1) Assistance to which he is not entitled;
- (2) Greater assistance than that to which he is justly entitled;
- (3) Payment of any forfeited installment grant;
- (4) Or aids or abets in buying or in any way disposing of the property of the recipient of assistance without the consent of the County Old Age Pension Commission shall be guilty of a misdemeanor.

Section 27. **Limitations of Act.** All assistance granted under this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by such amending or repealing Act.

Pensions allowed subject to future laws.

Section 28. **Relief.** A person sixty-five (65) years of age or more, not receiving old age assistance under this Act is not by reason of his age debarred from receiving other public relief and care.

Other relief.

Section 29. **Saving Clause.** If any provision of this Act shall be held invalid, it shall not be construed to invalidate other provisions of this Act.

Saving clause.

Section 30. Chapter 72 of the Laws of the Eighteenth Legislative Assembly and all Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 31. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 171**An Act Prohibiting the Sale of Beer to Minors and Fixing the Penalty Therefor.**

Be it enacted by the Legislative Assembly of the State of Montana:

Unlawful to
sell beer to
minors.

Section 1. It shall be unlawful for any person to sell or dispose of beer to a minor unless such minor is accompanied by his or her parent or guardian.

Penalty for
violation.

Section 2. Any person who shall sell, give away, or dispose of beer to a minor, in violation of this Act, shall be guilty of a misdemeanor and be punished by a fine not to exceed One Hundred Dollars (\$100.00) or by imprisonment in the county jail for not more than sixty (60) days or both such fine and imprisonment.

Repealing
clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

CHAPTER 172**An Act for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section Four (4) of Article Eighteen (18) of the Constitution of the State of Montana, Relating to the Hours of Labor in All Industries, Occupations, Undertakings and Employments Except Farming.**

Be it enacted by the Legislative Assembly of the State of Montana:

Constitutional
amendment,
Art. 18, Sec. 4.

Section 1. That Section Four (4) of Article Eighteen (18) of the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held on November 3, 1936.

Amending
clause.

Section 2. That Section Four (4) of Article Eighteen (18) of the Constitution be, and the same is hereby amended to read as follows:

“Section 4. A period of eight hours shall constitute a day’s work in all industries, occupations, undertakings and employments, except farming and stock raising; provided, however, that the Legislative Assembly may by law reduce the number of hours constituting a day’s work whenever in its opinion a reduction will better promote the general welfare, but it shall have no authority to increase the number of hours constituting a day’s work beyond that herein provided.”

Power of
Legislature
to lower the
number of
hours which
shall consti-
tute a day’s
work.

Section 3. Separate official ballots shall be provided at said general election, which shall have printed thereon all of said Section Four (4) of Article Eighteen (18) of the Constitution, as amended by this Act, and below the same shall be printed the words:

Ballots.

- ☐ For the above written amendment to the Constitution.
- ☐ Against the above written amendment to the Constitution.

Form.

Each elector shall designate his preference by marking an “X” in the square before the proposition for which such elector desires to vote.

Section 4. The vote cast for and against the amendment above proposed shall be canvassed, determined and declared as provided by the general election laws of the State of Montana.

Vote, how
cast and
determined.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 6. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 14, 1935.

CHAPTER 173

An Act to Amend Section 2, Section 4 and Section 18 of Chapter 164 of the Montana Session Laws of 1933; Relating to Wholesale Dealers in Agricultural Products.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2 of Chapter 164 of the Montana Session Laws of 1933, be, and the same is hereby amended to read as follows:

Wholesale
dealer in
agricultural
products to
be licensed.

“Section 2. No person shall engage in, or purport to be engaged in, or hold himself out as being engaged in the business of a dealer at wholesale, or as being a dealer at wholesale, as defined in this Act, unless he shall be licensed to carry on such business by the commissioner. Provided, that the provisions of this Act shall not apply to a farmer or gardener selling his own products, but who shall whenever called upon to do so by an inspector furnish a sworn statement that the goods handled by him were actually grown by him and the inspector is hereby authorized for the purposes of this Act to administer the oath.”

Not applicable
to farmer
selling his
own products.

Amending
clause.

Section 2. That Section 4 of Chapter 164 of the Session Laws of Montana of 1933, be, and the same is hereby amended to read as follows:

License,
when issued.

“Section 4. Licenses to engage in the business of a dealer at wholesale within the State of Montana shall be issued by the commissioner to such reputable persons as shall apply therefor, pay the prescribed fee and comply with the conditions herein specified, to-wit:

Conditions.

Application
in writing.

a. The application shall be in writing, accompanied by the prescribed fee, and under oath shall set forth the place where the applicant intends to carry on the business for which the license is desired, and a separate license shall be required for each place of business, and for the purpose of this Act each truck used for assembling and distributing produce other than from a permanently established place of business through which all business of sales and accounts are handled shall be considered a separate place of business; the estimated amount of business to be done monthly; the full names of the persons constituting the firm, in case the applicant is a copartnership; the name of the officers of the corporation and where incorporated, if a corporation; and a financial statement showing the value and character in a general way of the assets and the amount of liabilities of the applicant.

Contents of.

b. Before issuing any license as provided by this Act, the commissioner shall require the applicant to execute and file with him a good and sufficient bond to the State of Montana in an amount to be fixed by the commissioner based on the monthly business to be transacted by the applicant, said bond to be not less than One Thousand Dollars (\$1,000.00). The commissioner may from time to time require additional bond should the business transacted warrant such increase under penalty of revoking the license. Said bond to be executed by the applicant as principal and a surety company authorized to do business in this state as surety; the form thereof to be fixed by the commissioner, conditioned for the faithful performance of his duties as a dealer at wholesale; for the observance of all laws relating to the carrying on of the business of a dealer at wholesale; for the payment, when due, of the purchase price of produce purchased by him; for the prompt reporting of sales as required by law to all persons consigning produce to the dealer as licensee for sale on commission and the prompt payment to persons entitled thereto of the proceeds of such sales less lawful charges, disbursements and commission. Such bond shall cover all wholesale produce business transacted in whole or in part within the State of Montana.

Applicant to furnish bond.

Additional bond may be required.

Requisites of bond.

c. All licenses shall expire December 31st of each year; the license, or a certified copy thereof, shall be kept posted in the office of the licensee at each place within the state where he transacts business; the fee for each license shall be One Hundred Dollars (\$100.00) and for each certified copy thereof One Dollar (\$1.00). Except that where a truck is the place of business the license fee for the first truck shall be One Hundred Dollars (\$100.00) and for each additional truck Fifty Dollars (\$50.00).

When license shall expire.

License fees.

d. The applicant shall file with the commissioner a schedule of his commissions and charges for services in connection with produce handling on account of or as agent for another."

Duty to file a schedule of charges.

Section 3. That Section 18 of Chapter 164 of the Session Laws of Montana 1933, be, and the same is hereby amended to read as follows:

Amending clause.

Penalty for
violations.

“Section 18. Any person who shall violate any of the provisions of this Act, or who shall fail to comply with the regulations prescribed by this Act, or who shall fail or neglect to obey any lawful order of the State Department of Agriculture, or the commissioner, or any other officer thereof made pursuant to the authority of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not to exceed six months, or both such fine and imprisonment, and such fine shall be paid into the State Treasury and deposited as provided in Section 15 of said Chapter 164; provided, however, that nothing in this Act will apply to a consumer or group of consumers acting cooperatively in obtaining produce for their own use only and not for resale.”

Not applicable
to consumers.

Repealing
clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect immediately upon its passage and approval.

Approved March 14, 1935.

CHAPTER 174

An Act Providing for the Conversion of Building and Loan Associations and Other Home Financing Organizations Into Federal Savings and Loan Associations, Prescribing the Procedure Therefor, Defining the Results Thereof and Providing for the Indebtedness of Such Association.

Be it enacted by the Legislative Assembly of the State of Montana:

Method for
converting
building and
loan associa-
tions into a
Federal sav-
ings and loan
association.

Section 1. Any building and loan association or other home financing organization by whatever name or style it may be designated, eligible to become a Federal savings and loan association may convert itself into a Federal savings and loan association by following the procedure hereinafter outlined.

A. At any regular meeting of the shareholders of any such association or at any special meeting of the shareholders of such association in either case called to consider such action and held in accordance with the laws governing such association, such shareholders by an affirmative vote of the majority of said shareholders in person or by proxy may declare by resolution the determination to convert said association into a Federal savings and loan association.

Shareholders by majority vote may convert.

B. A copy of the minutes of such meeting of the shareholders verified by the affidavit of the president or vice-president and the secretary of the meeting shall be filed within ten days after said meeting, in the office or department of this state having supervision of such association. Such verified copy of the minutes of such meeting when so filed shall be presumptive evidence of the holding and of the action of such meeting.

Verified copy of the minutes of meeting to be filed.

Effect of filing.

C. Within a reasonable time and without any unnecessary delay after the adjournment of such meeting of shareholders, such association shall take such action as may be necessary to make it a Federal savings and loan association and within ten days after receipt of the Federal charter there shall be filed in the office or department of this state having supervision of such association a copy of said charter issued to such association by the Federal Home Loan Bank Board or a certificate showing the organization of such association as a Federal savings and loan association certified by, or on behalf of, the Federal Home Loan Bank Board. Upon the filing of such instrument such association shall cease to be a state association and shall thereafter be a Federal savings and loan association.

Federal charter to be obtained.

Copy or certificate to be filed with state.

Effect of filing.

Section 2. At the time when such conversion becomes effective as hereinbefore provided, said association shall cease to be supervised by this state and all of the property of such association including all of its right, title and interest in and to all property of every kind and character whether real, personal or mixed shall immediately by operation of law and without any conveyance or transfer whatsoever and without any further act or deed, continue to be vested in said association under its new name and style as a Federal savings and loan asso-

Effect of conversion.

State loses supervisory power.

Property to be vested in such association under its new name.

Powers and
privileges of
association.

ciation and under its new jurisdiction; and said Federal savings and loan association shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by it as a state association and said Federal savings and loan association at the time of the taking effect of such conversion shall continue responsible for all of the obligations of said state association to the same extent as though said conversion had not taken place; it being expressly declared that the said Federal savings and loan association shall be merely a continuation of the said state association under a new name and new jurisdiction and such revision of its corporate structure as may be considered necessary for its proper operation under said new jurisdiction.

Saving
clause.

Section 3. If any provision in this Act, or the application thereof to any person, corporation or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons, corporations, or circumstances, shall not be affected thereby.

Repealing
clause.

Section 4. All laws or parts of laws in conflict with the provision of this Act are hereby repealed.

Emergency
clause.

Section 5. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force from and after its passage and approval.

Approved March 14, 1935.

CHAPTER 175

An Act Declaring the Policy of the State to Establish a Uniform System of Free, Public Schools, and Providing State Support Therefor, and for the Distribution Thereof, Creating the State Public School General Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Establishment
of a uniform
system of free
public schools.

Section 1. A uniform system of free, public schools, sufficient for the education of, and open to, all the children of the state, of school age, shall be established and

maintained throughout the State of Montana; and to carry on and support a minimum, foundational, educational program therein, the State of Montana shall provide therefor, and contribute thereto, revenue upon the following schedule:

(a) For every elementary school, classroom unit in the state, as such unit is hereinafter defined, the sum of Five Hundred Dollars (\$500.00) per teacher, and, in addition, of Twelve Cents (12c) per pupil per day of attendance during the last completed school year.

Amount for every elementary school classroom unit.

(b) For every junior and senior high school, classroom unit in the state, as such unit is hereinafter defined, the sum of Six Hundred Dollars (\$600.00) per teacher and of Fifteen Cents (15c) per pupil per day of attendance during the last completed school year.

Amount for every high school classroom unit.

(c) For the transportation of pupils, one-half of the cost of such transportation for all pupils, residing three or more miles distant from a public school; but the State Board of Education of the State of Montana shall fix and promulgate a uniform schedule of rates for the transportation of pupils to and from the public schools of the state, and upon the bases of such schedules, so fixed, the contribution of the state to the cost of transportation shall be computed, and the payment thereof made, and in no other way.

Amount for transportation of pupils.

Section 2. Classroom units, as the bases for the distribution and payment of state school revenue, shall adhere to the following standards, and none others, and are thus defined, to-wit:

Classroom units.

ELEMENTARY SCHOOLS

An elementary school system with one teacher, and not less than ten nor more than twenty-five pupils shall constitute one, elementary school, classroom unit.

Elementary schools.

One classroom unit.

An elementary school system with two teachers, and not less than twenty-six nor more than fifty pupils shall constitute two, elementary school, classroom units.

Two classroom units.

An elementary school system with three teachers, and not less than fifty-one nor more than eighty pupils shall constitute three, elementary school, classroom units.

Three classroom units.

Four class-
room units.

An elementary school system with four teachers, and not less than eighty-one nor more than one hundred and ten pupils shall constitute four, elementary school, classroom units.

Every addi-
tional class-
room unit.

In an elementary school system with more than four teachers and more than one hundred and ten pupils, every additional teacher, and every additional group of thirty pupils, or major fraction thereof, shall constitute an additional, elementary school, classroom unit.

Junior and
senior high
schools.

JUNIOR AND SENIOR HIGH SCHOOLS

One class-
room unit.

A secondary school system with one teacher, and not less than ten nor more than twenty pupils shall constitute one, secondary school, classroom unit.

Two class-
room units.

A secondary school system with two teachers, and not less than twenty-one nor more than forty pupils shall constitute two, secondary school, classroom units.

Three class-
room units.

A secondary school system with three teachers, and not less than forty-one nor more than sixty pupils shall constitute three, secondary school, classroom units.

Four class-
room units.

A secondary school system with four teachers, and not less than sixty-one nor more than eighty-five pupils shall constitute four, secondary school, classroom units.

Five class-
room units.

A secondary school system with five teachers, and not less than eighty-six nor more than one hundred and ten pupils shall constitute five, secondary school, classroom units.

Six class-
room units.

A secondary school system with six teachers, and not less than one hundred and eleven nor more than one hundred and thirty-five pupils shall constitute six, secondary school, classroom units.

Every addi-
tional class-
room unit.

In a secondary school system with more than six teachers and more than one hundred and thirty-five pupils, every additional teacher, and every additional group of thirty, secondary school pupils, or major fraction thereof, shall constitute an additional, secondary school, classroom unit.

How class-
room units
shall share
in state public
school fund.

Provided that all classroom units shall share equally in the state public school general fund until said fund shall contain an amount sufficient to provide Seven Hun-

dred and Fifty Dollars (\$750.00) per classroom unit. When said fund shall exceed such an amount it shall be apportioned on the basis as provided in Subdivisions (2) and (b) of Section 1 of this Act.

Section 3. To determine in any case the number of classroom units under Section 2 of this Act, all the schools of an independent subdistrict of a county school district shall be deemed one school system, and elsewhere every school, or group of schools, under a common, direct administrative head shall be deemed a school system; but if there be no county school district, established as the basic unit for the school of a county, every established school district within the county, shall be deemed a school system, and the classroom units herein computed accordingly.

What shall
be deemed as
school system.

Section 4. There is hereby created and established a fund to be known and designated as the state public school general fund, which the Treasurer of the State of Montana shall ever keep separate and apart from all other funds and moneys in his custody, and into which there shall be paid all moneys coming to the state for distribution in support of the public schools of the state, save only such school funds as by Section 5, Article XI, of the Constitution of the State of Montana, or otherwise by constitutional provision, are to be kept and distributed in a manner other than as is provided in this Act. Provided that until March 15, 1937, One Hundred Fifty Thousand Dollars (\$150,000.00) for each fiscal year shall remain in the common school equalization fund to be distributed as provided in the Act creating said fund.

State public
school gen-
eral fund.

Creation of.

All school
moneys to
go to.

Funds to be
retained in
common school
equalization
fund.

Section 5. No moneys shall be disbursed or distributed from the state public school general fund, or otherwise under this Act, for any school with an original enrollment of less than ten pupils during the last completed school year, or for any school upon the basis of more teachers than such school actually employs; but in the case of an isolated school or community such disbursement and distribution may be made upon the recommendation of the County Superintendent of Schools and County Board of Education of the county, if there be one, and if not, then of the County Superintendent and of the Board of County Commissioners of the county,

Limitation on
distribution
of money to
a school.

When excep-
tion may be
made for
isolated school
or community.

and, in either case, only with the approval of the State Superintendent of Public Instruction and of the State Board of Education.

Annual report
by County
Superintendent.

Contents of.

Transportation
costs and
figures to be
submitted.

Section 6. Not later than July 15th of every year the County Superintendent of Schools of every county shall certify to the State Superintendent of Public Instruction the number of elementary school, classroom units, and, separately, of secondary school, classroom units, computed in accordance with Sections 1 and 2 of this Act, in the elementary and secondary schools of his county, and, together therewith, the aggregate days of attendance during the last, completed school year for all the elementary school pupils, and, separately, for all the secondary school pupils of the county. At the same time the County Superintendent shall likewise certify to the State Superintendent of Public Instruction the number of pupils, actually attending a public school in his county and residing three or more miles distant therefrom, and the actual cost of the transportation of such pupils pursuant to the schedule of rates fixed and promulgated by the State Board of Education, and such other facts and information as the State Superintendent or the State Board of Education may require in connection therewith.

State Super-
intendent to
compute
amount of
contribution
by state for
transportation.

Section 7. Not later than August 15th of every year, and upon the basis of the facts certified to him by the several County Superintendents of Schools in accordance herewith, the State Superintendent of Public Instruction shall compute, under Section 1 of this Act and the schedules fixed by the State Board of Education, the amount of the contribution by the state to the cost of the transportation of the pupils in the public schools of the several counties, and shall forthwith certify such amounts to the Treasurer of the State of Montana for payment.

State Super-
intendent to
set up an ap-
portionment
of moneys to
be contributed
by state to
each county
for schools.

Section 8. Likewise not later than August 15th of every year, and upon the basis of the classroom units and pupil attendance of the several counties, as certified to him by the several County Superintendents of Schools, the State Superintendent of Public Instruction shall set up an apportionment under Sections 1 and 2 of this Act for the proportionate distribution of the moneys to be contributed by the state public school general fund to the counties for the use of the public schools of such

counties, and shall forthwith certify such apportionment to the Treasurer of the State of Montana for payment.

Section 9. On the first days of February and August of every year the State Treasurer, first, shall pay from the state public school general fund the several amounts due the counties of the state for the transportation of pupils, as certified to him hereunder by the State Superintendent of Public Instruction, and secondly, shall disburse to the several counties the balance thereafter remaining in the state public school general fund pursuant to the apportionment thereof of such State Superintendent on the basis of classroom units and pupil attendance, and by immediately drawing his several warrants in favor to the Treasurers of the counties of the state for the amounts so due and apportioned to such counties.

Time for
payment of
funds due
the counties.

How paid.

Section 10. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 11. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1935.

CHAPTER 176

An Act Providing for the Creation of a State Planning Board for the State of Montana and Prescribing the Powers and Duties of Said Board; Providing for the Method for Appointing of the Members Thereof and Making an Appropriation Therefor; and Repealing Chapter 39 of the Extraordinary Session Laws of the Twenty-third Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is hereby declared that the public interest, welfare, convenience and necessity require the conservation and development of Montana's land, water, mineral, timber, coal, oil and other natural resources for the social and economic advancement of the people of the state in accordance with a comprehensive plan to be developed concurrently with regional and national plans

Policy
declared.

now being formulated by national planning bodies in co-operation with the several states.

Purpose of
State Plan-
ning Board.

The State Planning Board, hereinafter created, shall be regarded as performing a governmental function in meeting this necessity whereby through the exercise of foresight, use of scientific knowledge and harmonizing all of the interests of the state, assistance may be given in solving the complex problems of Montana, thereby effecting more immediate stabilization of the agricultural, livestock, mining and other industries of the state and bringing about more efficient, economic and fuller use of the manifold resources of Montana.

To be an
agency to
encourage
local and dis-
trict planning.

The State Planning Board shall be regarded as an agency for encouraging the formation and activity of local and district planning bodies in the state whereby the people of the several municipalities, communities, counties or regions may assume the responsibility of developing plans and policies in cooperation with the State Planning Board, which board shall also be regarded as an agency to assist in putting all such plans and policies into actual operation.

Creation
of board.

Section 2. There is hereby created a State Planning Board hereinafter referred to as the "Board." The board shall consist of five members who shall be the same persons who compose the State Water Conservation Board.

Board may
appoint an
advisory
council.

Section 3. The board may at its discretion appoint five or more citizens of the state, representative of the several areas of the state, as an advisory council which shall be advisory to the board and which shall effect contacts between the board and the people of the state through local planning bodies.

Council to
serve with-
out pay.

Section 4. The members of the advisory council as provided for in Section 3 of the Act shall serve without compensation but shall be entitled to actual and necessary expenses incurred in discharging of duties imposed upon them by the board.

Expense
allowable.

Board to or-
ganize and to
keep a record.

Section 5. The board shall adopt rules for the transaction of its business and shall keep a record of its official actions. It shall annually select a chairman from

its appointive members and a secretary who need not be a member of the board. The board may employ a director of planning who shall be qualified by special training, experience and demonstrated ability in the field of planning and may employ such other persons as may be necessary for its work.

Officers and employees.

Section 6. Upon request of the board, the director of any state department or institution may from time to time assign or detail members of the staff or personnel of such department for the purpose of special surveys under the direction of the board, or may use the facilities of such department to make special surveys or studies requested by the board. The board may from time to time appoint technical or other advisory committees as needed in carrying out the purposes of this Act.

Board may request assistance of other state departments.

Section 7. It shall be the function and duty of the State Planning Board to make and adopt a comprehensive plan for the physical development of the State of Montana and to make such related economic and social studies as may be needed in carrying out the purposes of this Act. The state plan, with the accompanying maps, charts and descriptive matter shall show the recommendations of the board for the development of the state.

State plan to be adopted.

The board shall formulate policies for making effective any plan or plans adopted by the board or that may be necessary in carrying out the purposes of this Act.

Board to formulate policies.

The board shall render an annual report to the Governor and report and recommend to the Governor, the Legislature, or any state agency, or any political subdivision of the state on any matters relating to the state plan, or any phase of the state planning program.

Board to report annually to Governor.

Recommend to departments of state.

The objectives of all plans or policies adopted or recommended by the board shall be in accordance with the purposes declared in Section 1, of this Act.

Section 8. The board shall have power to promote public interest in an understanding of the state plan and the problem of state planning, and to that end may publish and distribute copies of the plan or any report re-

Board may promote public interest in state plan.

Publicity of.

Cooperation
to be had with
Federal Gov-
ernment and
other states.

Encourage
local plan-
ning bodies.

State Water
Board to spend
from its funds
to carry out
this Act.

Amount
allowable.

Repealing
clause.

lating thereto and may employ other lawful means of publicity and education. Through its members or its staff the board may confer and cooperate with Federal officials and with the executive, legislative or planning authorities of neighboring states or regions for the purpose of harmonizing the plans and policies of other state, regional and national planning bodies with the plans and policies adopted for Montana and for the purpose of bringing about a coordination between the development of such neighboring states or regions and the development of the State of Montana.

Section 9. The board, in its discretion, shall encourage the formation and activity of municipal, county, district and other local planning bodies within the state, shall render to them all assistance reasonably possible, and may adopt rules and regulations for its recognition of such local planning bodies in accordance with the needs and conditions of the various communities.

Section 10. The State Water Conservation Board in carrying out the purposes of this Act is hereby authorized to expend from the conservation revolving fund as provided for and appropriated in House Bill No. 517 of the Twenty-fourth Legislative Assembly of the State of Montana, 1935, for the period ending June 30, 1935, Four Thousand (\$4,000.00) Dollars; for the period beginning July 1, 1935, and ending June 30, 1936, Eight Thousand (\$8,000.00) Dollars; for the period beginning July 1, 1936, and ending June 30, 1937, Eight Thousand (\$8,000.00) Dollars.

Section 11. Chapter 39 of the Extraordinary Session Laws of the Twenty-third Legislative Assembly is hereby repealed.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

PLANNING BOARD BUDGET

		5 Months To June 30, 1935,	12 Months June 30, 1935 to July 1, 1936,	12 Months June 30, 1936 to July 1, 1937
Salaries:				
Secretary	\$250.00			
Stenographers				
(2)	200.00			
Board Meeting	100.00			
Office Expense	50.00			
Total—per month....	\$600.00	\$3,000.00	\$7,200.00	\$7,200.00
Preparing charts, reports, printing, traveling, etc.		700.00	800.00	800.00
Services, extra man, 6 weeks		300.00		
		\$4,000.00	\$8,000.00	\$8,000.00

Approved March 14, 1935.

CHAPTER 177

An Act Creating Municipal Courts in Cities, Defining the Jurisdiction Thereof; Providing Rules of Practice Therein; Providing for the Election and Qualifications of Judges Thereof, and the Salary and Tenure of Office of Judges; Abolishing Certain Police Courts; Amending Section 9716 Revised Codes of Montana, 1921, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created in all cities in the State of Montana with a population of twenty thousand (20,000) or more persons, according to the last Federal census, a court to be known and designated as Municipal Court of the City of (designating the name of the city) of the State of Montana. Such court shall be a court of record; provided, however, that the provisions of this Act shall apply only after the governing body or council

Applicable to cities of 20,000 or more persons.

Creation of municipal court.

Governing
body of city
to adopt by
two-thirds
majority.

of such city or cities shall have elected by a two-thirds majority vote to adopt the provisions hereof by ordinance and in said ordinance shall have provided the manner of, and time at which, said municipal court shall be established. Said ordinance shall be consistent with the provisions of this Act.

Jurisdiction
of such municipal
court.

Section 2. Jurisdiction. Said court shall have jurisdiction coordinate and coextensive with the justice courts of the county wherein said city is located, and shall also, in addition thereto, have exclusive original jurisdiction of all actions and proceedings, both civil and criminal, mentioned and provided for in Section 5089 Revised Codes of Montana, 1921, from and after the first Monday in May, 1937. Such municipal court shall also have concurrent jurisdiction with the district court within their respective counties in forcible entry and unlawful detainer.

Election of
one judge.

Term of.

Nonpartisan
election of
judges.

Section 3. Election of Judges. There shall be elected at the general city election in the year 1936 in all cities with a population of twenty thousand (20,000) and over, one judge of municipal court. The term of such judge so elected shall commence on the first Monday in May, 1936, and terminate on the first Monday in May, 1938. Thereafter, judges of municipal courts shall be elected at the general city elections in all even numbered years. Such judges shall hold office for the term of two years from the first Monday of May in the year in which they are elected and until their successor is elected and qualified. All elections of municipal judges shall be under and governed by the laws applicable to the election of city officials, except that the names of candidates for municipal judge shall be placed on the ballot to be used at such election without any party designation or any statement, measure or principle which the candidate advocates or any slogan after his name.

Qualifications
of judges.

Salary.

Section 4. Qualifications and Salary. Municipal judges shall have the same qualifications as judges of the district court and must be a resident and voter in the city for which he is elected at the time of his election. The salary of such judges shall be Three Thousand (\$3,000.00) Dollars annually, payable monthly by the City Treasurer of the city in which such court is.

Section 5. **Court Room and Supplies.** A room for such court, with necessary furniture, fixtures and supplies, shall be provided by the county wherein said city is located.

Court room to be furnished.

Section 6. **Clerk—Records.** The City Clerk of the city in which said court is located shall be ex-officio clerk of such court, and the records of such court shall be kept by such clerk; and such records in civil causes shall conform as nearly as possible to the records of district courts. Said courts shall have and use a seal, which seal shall be similar to the seal of the district court, except as to the name of the court. In criminal causes and in cases arising under city ordinances and Section 5089 Revised Codes of Montana, 1921, the records shall be similar to the records now kept in justice court.

City Clerk to be clerk of such court.

Records of.

Section 7. **Officers.** The Chief of Police of the city shall be the executive officer of such court. He shall serve all process and execute all orders of the court, either in person or by subordinate police officer who shall execute process in his name. The Chief of Police, with the approval of the judge, shall appoint one or more policemen as court officers, one of whom shall attend the sessions of the court and perform all duties in connection therewith which the judge may require.

Chief of Police executive officer of court.

Court officers.

Section 8. **Sessions of the Court.** Such court shall be in continuous session from 10:00 o'clock A. M. to 4:00 o'clock P. M. on every judicial day or such other hours as the judge thereof may designate, except that, during the time when the district court of the county in which said municipal court is located is in session, the municipal judge may in his discretion suspend court.

Sessions of court.

Section 9. **Actions—How Commenced—Pleadings.** In all civil causes the provisions of Sections 9105 to 9192, inclusive, Revised Codes of Montana, 1921, together with all Acts amendatory thereto, are hereby adopted and made applicable to actions and pleadings in municipal court, except where said provisions are inapplicable and where it is otherwise provided herein.

Actions and pleadings in.

Section 10. **Summons.** Summons in municipal court shall be signed by the clerk and shall conform as near as may be to the provisions of Section 9107 Revised Codes

Summons.

Answer due
in 10 days.

of Montana, 1921, except that the time for answering shall be ten days, instead of twenty.

Practice and
procedure in
such courts.

Section 11. **Practice.** The provisions of Chapters 47, 48, 48a, 49, 50, 51 and 54, Revised Codes of Montana, 1921, are hereby adopted and made applicable to practice and procedure in municipal court, except where the same are repugnant to the provisions of this Act. The words "Municipal Court" being substituted for justice court, and "Judge" for Justice of the Peace where the same appears in said chapters. Where the answer contains a counter-claim or any new matter, the plaintiff, if he does not demur, shall within five days after the service and filing of the answer, reply to such counter-claim or new matter in the manner and form provided for in Section 9158 Revised Codes of Montana, 1921.

Demur or
reply to
counter claim.

Judgments.

Section 12. **Judgments.** In civil causes judgments in municipal court shall be made and entered as in district court and shall be of like tenor and effect.

Disqualifica-
tion of the
judge.

Section 13. **Disqualification of Judges.** The provisions of law applicable to disqualification of judges of district court shall apply to judges of municipal court. When a judge of municipal court has been disqualified or is sick or unable to act, he shall call in some practicing attorney-at-law of the county in which said court is located, who shall be judge pro tem with the same powers for the purposes of such cause as the judge of said court.

Attorney to
be called in.

Costs.

Section 14. **Costs.** The same costs shall be allowed as are allowed in justice courts and shall be taxed and retaxed as in district court, twenty-four hours being allowed for filing memorandum of costs.

Time for
filing memo
of.

Jury trial
permissible.

Section 15. **Jury Trial.** In civil causes and criminal causes arising under the state law, either party shall be entitled to a jury trial, as provided in justice courts, except that the police officer shall perform the duties thereto prescribed to the Sheriff or Constable.

Police Judge
abolished by.

Section 16. **Police Judge Abolished.** In cities in which a municipal court is established the office of Police Judge is hereby abolished.

Appeal to
district court
allowed.

Section 17. **Appeals.** An appeal shall lie to the district court of the county in which the municipal court

is established as from a judgment of justice court or police court, and the provisions of law applicable to such appeals shall apply and are hereby adopted. When the amount in controversy is less than One Hundred (\$100.00) Dollars there shall be no appeal, unless the Municipal Judge shall certify that a doubtful question of law is involved upon which a final decision is desirable.

No appeal where amount is less than \$100.00.

Section 18. **Fees.** The fees in municipal court shall be the same as the fees provided by law for justice court, and all fees collected by such court shall be paid into the City Treasury.

Fees of court.

Section 19. **Amendment.** Section 9716 Revised Codes of Montana, 1921, is hereby amended to read as follows: "The prevailing party in justice courts is entitled to costs of the action and also of all proceedings taken by him in aid of execution issued upon any judgment recovered therein, except in townships wherein there is located a municipal court neither party shall be entitled to tax or collect any cost, nor shall any costs be included in the judgment."

Amending clause.

Costs in justice courts.

When neither party is entitled to.

Section 20. **General Provision.** Except as otherwise provided by this chapter, the municipal court shall have in matters within its jurisdiction all the powers and duties of District Judges in like cases, and the proceedings and practice therein shall be the same as in district court. The court may make and alter rules for the conduct of its business and prescribe forms of process conformable to law.

General powers similar to district courts.

Section 21. The term of the Police Judge next elected or holding office in cities affected by this Act shall terminate on the first Monday in May, 1937, and the office of Police Judge shall cease to exist in said city after such date.

When office of Police Judge to be vacated.

Section 22. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 14, 1935.

CHAPTER 178

An Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Method of Obtaining a License to Engage in the Business of Public Contracting in the State of Montana; Fixing the Fee for Such Licenses and Providing the Method of Suspension, Cancellation, and Reinstatement Thereof; Prescribing Penalties for Violation of This Act, and Repealing Chapter 55 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. **Definitions.** The following words, terms and phrases in this Act are, for the purposes hereof, defined as follows:

"Person."

(a) The word "Person" includes any individual, firm, copartnership, association, corporation or other group or combination acting as a unit, and the plural as well as the singular number, unless the intent to give a more limited meaning is clearly disclosed by the context hereof.

"Public Contractor."

(b) A "Public Contractor" within the meaning of this Act shall include any person who submits a proposal to or enters into a contract with the State of Montana, or with any board, commission or department thereof, or with any Board of County Commissioners, or with any City or Town Council, or with any agency of any thereof, or with any other public board, body, commission or agency, authorized to let or award contracts for the construction or reconstruction of any public work when the contract cost, value or price thereof exceeds the sum of One Thousand Dollars (\$1,000.00).

(c) The term "Public Contractor" includes sub-contractors undertaking to perform the work covered by the original contract, or any part thereof, the contract cost, value or price of which exceeds the sum of One Thousand Dollars (\$1,000.00).

Unlawful to act in the capacity of public contractor without a license.

Section 2. From and after the passage and approval of this Act, it shall be unlawful for any person, firm, copartnership, corporation, association or any combination

of any thereof, to engage in the business or act in the capacity of public contractor as herein defined within the State of Montana without having a license therefor as herein provided.

Section 3. The State Board of Equalization of the State of Montana is hereby constituted the registrar for the purpose of this Act, and is empowered to employ such assistance and to procure such records, supplies and equipment as may be necessary to carry out its provisions.

State Board of
Equalization
to be registrar.

Section 4. To obtain a license under this Act, the applicant shall submit, on such forms as the registrar shall prescribe, an application, under oath, which shall contain a statement of the applicant's experience and qualifications as a contractor; the value and character of contract work completed, and for whom performed during five (5) years prior to the filing of such application; and a complete financial statement on such forms and disclosing such information as shall be required by the registrar. Such application shall also contain such other information as may be requested by the registrar under such rules and regulations as may be adopted by said registrar and which will assist said registrar in determining the applicant's fitness to act in the capacity of a public contractor as defined in this Act; and such application shall also contain a statement that the applicant desires the issuance of a license under the terms of this Act, and shall specify the class of license applied for as hereinafter provided.

Application
for license.

Contents of.

Section 5. There shall be three classes of licenses issued under the provisions of this Act; and such classes of licenses are hereby designated as Classes A, B, and C. Any applicant for a license under the provisions hereof, shall specify in his application the class of license applied for.

Classes of
licenses.

The holder of a Class A license shall be entitled to engage in the public contracting business within the State of Montana without any limitation as to the value of any single public contract project, subject, however, to such prequalification requirements as may be imposed by the public body or bodies referred to in Section 1 (b)

Class A.

Rights
granted by.

Fee.	hereof, and at the time of making the application for such license the applicant shall pay to the registrar a fee in the sum of Two Hundred Dollars (\$200.00).
Class B.	The holder of a Class B license shall be entitled to engage in the public contracting business within the State of Montana, but shall not be entitled to engage in the construction of any single public contract project of a value in excess of Fifty Thousand Dollars (\$50,000.00); and shall pay unto the registrar as a license fee the sum of One Hundred Dollars (\$100.00) for such Class B license at the time of making application therefor.
Rights granted by.	
Fee.	
Class C.	The holder of a Class C license shall be entitled to engage in the public contracting business within the State of Montana, but shall not be entitled to engage in the construction of any single public contract project of a value in excess of Twenty-five Thousand Dollars (\$25,000.00); and shall pay unto the registrar as a license fee the sum of Ten Dollars (\$10.00) at the time of making application therefor.
Rights granted by.	
Fee.	
Proviso.	Nothing herein shall require any contractor to pay any license fee on any public contract project of a value less than One Thousand Dollars (\$1,000.00).
Registrar to investigate qualifications of applicant.	Section 6. It shall be the duty of the registrar to investigate and determine the applicant's fitness to act in the capacity of public contractor, as defined in this Act, and no license shall be issued unto such applicant until the expiration of thirty (30) days from and after the filing of such application; provided, that this latter provision shall not apply to bids or proposals made or requested, nor to contracts let or awarded, during the period of forty (40) days immediately following the passage and approval of this Act. The license so issued in pursuance of the first application shall entitle the licensee to act as a public contractor within this state, subject to the limitations of such license, until the expiration of the then current calendar year.
When license may be granted.	
License good for current year.	
Renewal of license.	Any license issued under the provisions of this Act may be renewed for each successive calendar year by obtaining from the registrar a certificate of renewal thereof. For the purpose of obtaining such certificate of renewal the licensee shall file with the registrar an
Application for renewal.	

application therefor, stating the class of license applied for and containing the same information as that required in the application for the original license. The application for such certificate of renewal must be made to the registrar on or before the first day of March of each successive calendar year; and such renewal certificate shall be good for the then current calendar year.

When application should be made.

At the time of filing the application for a certificate of renewal, the applicant shall pay unto the registrar a license fee equal to fifty (50) per cent of the license fee for the original license; provided that if any applicant for a certificate of renewal shall apply for a renewal under a different class from the license theretofore issued to him, such new license shall only be issued upon the same showing and under the same terms and conditions and upon payment of the same fee required for the issuance of an original license.

Fee for renewal.

Renewal under different class.

How made.

All certificates of renewal, wherein the applicant does not apply for a change in the class of license shall be issued by the registrar to the applicant forthwith when the application is filed and the license renewal fee paid.

Renewal certificates, when issued.

Section 7. All bids and proposals for the construction of any public contract project subject to the provisions of this Act shall contain a statement showing that the bidder or contractor is duly and regularly licensed hereunder. The number and class of such license then held by such public contractor shall appear upon such bid or proposal, and no contract shall be awarded to any contractor unless he is the holder of a license in the class within which the value of the project shall fall as hereinbefore provided.

Bids to show that bidder is licensed.

Class of license to be indicated upon bid.

Section 8. Any and all expenses incurred by the registrar in the administration of this Act shall be paid out of the fund accruing from the fees imposed by and collected under the provisions hereof. All moneys collected hereunder, less the expense incurred in the administration of this Act, shall be deposited by the registrar with the State Treasurer, who shall credit them to the general fund of the state.

Expenses of Act, how payable.

Disposition of funds collected.

Section 9. The registrar shall maintain in said registrar's office at Helena, Montana, open to public inspection during office hours, a complete indexed record of

Record of application and license to be kept.

all applications and all licenses issued and all certificates of renewal and of cancellations or suspensions thereof; and shall furnish a certified copy of any license issued, of renewal certificates, or of the cancellations or suspensions thereof, upon receipt of the sum of One Dollar (\$1.00); and such certified copy shall be received in all courts and elsewhere as prima facie evidence of the facts stated therein.

Certified
copy of license
to be furnished.

Fee for.

Complaints
to be filed
with registrar.

Section 10. Any person, firm, copartnership, corporation, association or other organization may file a duly verified complaint with the registrar charging that the licensee is guilty of one or more of the following acts or omissions:

(1) Abandonment of any contract without legal excuse;

Acts or omis-
sions upon
which com-
plaints may
be based.

(2) Diversion of funds or property received under express agreement for prosecution or completion of a specific contract under this Act, or for a specified purpose in the prosecution or completion of any contract, and their application or use for any other contract, obligation or purpose with intent to defraud or deceive creditors or the owner;

(3) The doing of any wilful fraudulent act by the licensee as a public contractor in consequence of which another is substantially injured;

(4) The making of any false statement in any application for a license or renewal thereof.

Registrar to
investigate
charges.

When con-
tractor's
license may
be suspended.

When petition
for rehearing
may be made.

Order granting
or denying
rehearing
to be mailed
to parties.

Upon the filing of such complaint the registrar shall investigate the charge and within sixty days after the filing of such complaint shall render and file said registrar's decision with said registrar's reasons therefor. If the registrar's decision be that the licensee has been guilty of any of such acts or omissions, said registrar shall suspend the contractor's license. At any time within twenty days thereafter the complainant or the contractor may petition the registrar for a rehearing. In the order granting or denying such rehearing the registrar shall set forth a statement of the particular grounds and reasons for said registrar's actions on such petition and shall mail a copy of such order to the parties who have appeared in support of or in opposition to the peti-

tion for rehearing. If a rehearing be granted, the registrar shall set the matter for further hearing on due notice to the parties, and within thirty days after submission of the matter, serve said registrar's decision after rehearing in like manner as an original decision.

The filing of such petition for rehearing as to the registrar's actions in suspending or cancelling such license shall suspend the operation of such action and permit the licensee to continue to do business as a public contractor pending final determination of the controversy.

Within thirty days after the decision on rehearing, any party aggrieved by such decision of the registrar may appeal therefrom to the district court in and for the county in which the licensee under this Act resides or does business as a public contractor, by serving upon the registrar a notice of such appeal. The matter shall thereupon be heard de novo by the district court. An appeal may be taken from the decision of the district court in the same manner as appeals in other civil cases.

Appeal from decision on rehearing to district court.

Further appeal.

In all cases where the licensee has filed his notice of appeal from the decision of the registrar or from the decision of the district court, such licensee shall be entitled to continue to do business as a public contractor pending final decision of the controversy.

Contractor allowed to continue business pending appeal.

Section 11. After cancellation of a license such licensee shall not be relicensed during the current calendar year in which the offense was committed.

Effect of cancellation of license.

Section 12. Any person, firm, copartnership, corporation, association or other organization acting in the capacity of public contractor within the meaning of this Act, without a license as herein provided, shall be guilty of a misdemeanor and shall, upon conviction thereof, if a person, be punished by a fine of not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed six months or by both such fine and imprisonment, in the discretion of the court. The same penalties shall apply, upon conviction, to any member of a copartnership, or to any construction, managing or directing officer of any corporation or other organization consenting to, participating in, or aiding or abetting any such violation of this Act.

Penalty for acting without a license.

Saving
clause.

Section 13. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the constitutionality or validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may later be declared unconstitutional and/or invalid.

Repealing
clause.

Section 14. Chapter 55 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana is hereby repealed.

Section 15. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1935.

CHAPTER 179

An Act to Provide for State Insurance of Public Buildings and Contents; to Provide for the Valuation Thereof; to Provide for the Duties of Public Officers in Connection Therewith; to Provide for the Levying of Assessment Premiums, for the Investment and Distribution of the Insurance Fund, and for the Payment of Losses; to Prevent Any Other Manner of Insuring Public Property, Except as Herein Provided; and to Provide Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

State insurance
of public
buildings
and contents.

Kinds of
losses insured.

Proviso.

Section 1. That all public buildings of this state and of each and every political subdivision thereof, and the contents of all such buildings, except as hereinafter provided, shall be insured by the state against all direct loss by fire, lightning, tornado, windstorm, cyclone, hail, explosion, flood and water damage, under the provisions of this Act, which said insurance shall be provided for, determined and paid for as provided by this Act. Provided, however, that officers and authorities having charge of buildings and contents above described may

insure against earthquakes and/or other perils not above enumerated in this section.

Section 2. That the State Auditor and Ex-officio Commissioner of Insurance shall keep a book properly indexed wherein he shall record the valuation of all property insured under this Act, and he shall have prepared such blank forms for the reports of valuation and relative hazard of all such property, for losses sustained, and for all other purposes necessary, proper and incidental to the effective operation and enforcement of this Act, and furnish such blank forms to all officers respectively, having charge of all public property insured under this Act. He shall make such rules and regulations as he may from time to time find practicable, necessary and beneficial for the conduct of the business of this department of insurance, not inconsistent with the provisions of this Act.

Record to be kept by State Auditor.

Contents of.

Rules and regulations to carry out Act.

Section 3. That the valuation of all school houses and the contents thereof, of all school districts, shall be made by the Board of Trustees of such school districts. That the valuation of all county high school buildings and the contents thereof shall be made by the County High School Boards having charge thereof. That the valuation of all public buildings owned by the counties of this state (excepting county high schools) and the contents thereof, shall be determined by the Board of County Commissioners of the county wherein the property is situated. That the valuation of all public buildings including public libraries owned by all cities and incorporated towns in the state, and the contents of such buildings, shall be determined by the Mayor and the Aldermen of the city or town wherein said property is situated. That the valuation of all public buildings owned by the state, subject to this Act, and also all other public buildings in the state not enumerated in this Act, together with the contents of all such buildings, shall be determined by the State Board of Examiners.

Valuations, by whom to be made.

School houses.

County high school buildings.

Public buildings owned by counties.

Public buildings owned by cities.

Public buildings owned by state and others not enumerated.

That the valuations provided for in this Act, shall not include the value of building sites, but shall be the fair and reasonable value of such public buildings and the contents thereof.

Value of sites not to be included.

When valuations shall be made.

New buildings.

Valuations to be made under oath.

Section 4. That the valuations required by this Act shall be made by said officers, respectively, before any existing insurance policy expires, and at least once every three (3) years thereafter; and in case of the erection of new buildings after this Act becomes operative, the proper officer or officers must within ten (10) days after the completion of such new building make the valuation thereof and the valuation of the contents as and when installed. All valuations required under this Act shall be made under oath on the forms and in the matter to be prescribed by the State Auditor and Ex-officio Commissioner of Insurance, and duly acknowledged and forwarded to him. Such valuation so made shall be the fair and reasonable value of all public property insured for the purposes of insurance under this Act.

Three years' premium at prevailing rate to be paid when such property is listed for insurance.

Board may allow payment to be made over years.

Policies, how numbered.

Section 5. There shall be paid into the State Treasury by the respective boards and officers having charge of the property insured under this Act, out of the funds from which insurance premiums have heretofore been paid, at the time such property is listed for insurance, as hereinafter provided, or within thirty (30) days thereafter, the amount of the premium for three years' insurance at the prevailing and commonly accepted insurance rate, as determined by the State Auditor and Ex-officio Commissioner of Insurance which said rate may be adjusted by the State Auditor and Ex-officio Commissioner of Insurance upon report of the Fire Marshal of any change in perils and exposures or error in classification. Insurance shall be written for three years. Upon special request to the Board of Examiners they may at their option budget the payment over a three year period. Cancellation for reasonable cause or upon advice of the Fire Marshal shall be allowed and adjusted pro rata. The final and total amount of insurance on any single item shall in due time be adjusted to the valuation as fixed by this Act. All policies under this Act shall be numbered serially.

Monthly payment of 1% of receipts to Fire Marshal's fund.

Section 6. On the first business day of each month the State Auditor and Ex-officio Commissioner of Insurance and the State Treasurer shall pay from the insurance fund into the Fire Marshal's fund one per cent (1%) of the receipts for the preceding month.

Section 7. At the end of each fiscal year the State Auditor and Ex-officio Commissioner of Insurance shall issue and deliver to the treasurer of every city and town having a fireman's disability fund, as created by Section 5117, Revised Codes of Montana, 1921, as amended by Chapter 58, Session Laws of the Twentieth Legislative Assembly, 1927, and for the benefit of said fund, his warrant, drawn on said insurance fund created by this Act, for an amount to be computed as follows: three per cent (3%) of the total moneys collected from all state insurance of public buildings in all cities and towns in the State of Montana having a fireman's disability fund, shall be divided between the respective fireman's disability funds of the several cities and towns in accordance with the same method of division now provided by Chapter 127 of the Session Acts of Montana of 1933.

Annual payment to Fireman's Disability fund.

Amount of.

How allocated.

Section 8. When the fund is found to exceed One Million Dollars (\$1,000,000.00), then no more premiums shall be assessed until it becomes depleted to less than Seven Hundred Thousand Dollars (\$700,000.00); whereupon assessment premiums, beginning after the last numbered policy paid, shall be levied in serial order until the fund again exceeds One Million Dollars (\$1,000,000.00).

When no premiums shall be assessed.

Section 9. The State Board of Examiners must reinsure or purchase excess insurance in a reliable insurance company or companies such portion of their insurance liability as is commensurated with the principles of safe underwriting, and shall prescribe such rules and regulations as may be necessary in placing and handling this reinsurance and/or excess insurance. The cost of the reinsurance is to be paid out of the state insurance fund.

Board of Examiners may reinsure in reliable company.

Section 10. Notice of premiums due shall be mailed or delivered to the proper officer, officers or boards in charge of such property, who shall pay the same as herein provided to the State Treasurer within thirty (30) days from the date of such levy and all assessment premiums levied thereafter to maintain said insurance fund shall be on the basis of three years' premium for insurance purposes as hereinbefore described, such assessment premiums to be levied only when needed to replenish and maintain such insurance fund and to be paid as hereinbefore provided.

Notice of premiums due, to be mailed.

Payment of.

State insurance fund.

Payments to and withdrawal from.

How funds shall be invested.

Section 11. That the State Treasurer shall receive all moneys paid to him under this Act and place same to the credit of a fund known as the state insurance fund, and shall pay same out on warrants drawn on such fund by the State Auditor and Ex-officio Commissioner of Insurance. The said state insurance fund shall be invested and administered as a part of the Montana trust and legacy fund under the provisions of Chapter Seventy (70) of the 1929 Session Laws of the State of Montana. All interest and earnings obtained by the State Treasurer from such moneys shall be credited to the state insurance fund.

Report of losses.

Sworn statement of losses to be made.

How loss is determined.

Appraisal and adjustment of.

Section 12. That all losses to public buildings and the contents thereof, insured under this Act against losses by fire, lightning, tornado, windstorm, cyclone, hail, explosion, flood and water damage, shall be reported by the respective officer, officers or boards in charge of such property to the State Auditor and Ex-officio Commissioner of Insurance and the members of the board or officer or officers in charge of said property shall make a sworn statement of the losses sustained, the cause thereof, and such other information as the State Auditor and Ex-officio Commissioner of Insurance may direct. In case of loss the same may be determined by agreement by the State Auditor and Ex-officio Commissioner of Insurance and said board, officer or officers; but in case they do not agree, the Governor shall name two County Assessors, neither of whom shall be from the county where the loss is incurred and they, together with the State Fire Marshal or a special Deputy Fire Marshal, shall appraise and determine the loss sustained. The traveling expenses of such appraisers shall be paid out of the state insurance fund.

Allowance of loss and payment of.

Expenses, how paid.

Section 13. When a loss has been sustained and the amount thereof adjusted, the State Auditor and Ex-officio Commissioner of Insurance shall allow same by an order made on the books of his office and shall issue a warrant in payment thereof on the state insurance fund, in favor of the proper officer, officers, or board in charge of the property destroyed. The State Auditor and Ex-officio Commissioner of Insurance shall also issue warrants on the state insurance fund for the payment of

expenses authorized under this Act for the adjustment of losses.

Section 14. Whenever any policy of insurance shall be written under this Act to insure any improvements upon real property in this state against loss as herein provided and the property insured shall be wholly destroyed, without criminal fault on the part of the insured or its assigns, the amount of insurance written in such policy shall be taken conclusively to be the true value of the property insured, and the true amount of loss and measure of damages, and the payment of money as a premium for insurance shall be prima facie evidence that the party paying such insurance is the owner of the property insured: Provided, that the State Auditor and Ex-officio Commissioner of Insurance may set up fraud in obtaining the policy as a defense to a suit thereon.

Improvements
on real estate.

Loss to be
amount stated
in policy.

Fraud may be
set up, when.

Section 15. The State Fire Marshal shall investigate the cause, origin and circumstances of each fire occurring to public property, and shall determine whether the fire or other loss to public property insured under this Act was the result of carelessness or design, and for such purposes shall have all the powers and perform all the duties as provided by law for the office of State Fire Marshal. Before any insurance shall be written under this Act, the Fire Marshal shall inspect all buildings subject to the terms of this Act and shall report all unnecessary and avoidable fire hazards, and such hazards shall be corrected and eliminated by the responsible board of officers and a sworn report of such action filed with the State Auditor and Ex-officio Commissioner of Insurance before the state insurance upon the property becomes of force and effect. He shall also report all buildings not properly insurable by reason of low value, extreme hazard or abandonment for more than four (4) months, or because the inspection thereof is unduly expensive by reason of extreme isolation. The State Auditor and Ex-officio Commissioner of Insurance may on such report exclude such buildings from the provisions of insurance and shall collect no fees therefor.

State Fire
Marshal to
investigate
fires or other
losses.

Fire Marshal
to inspect be-
fore insurance
is issued.

Duty to report
all buildings
not properly
insurable.

Section 16. That it shall be unlawful for any public officer mentioned in this Act and having charge of any public building or other public property to cause same

Exclusive
method of
insuring pub-
lic property.

Unlawful to insure in any other fashion.

or its contents to be insured in any other manner than that provided for in this Act, and upon expiration of insurance now in force, all such property shall be listed and become subject to the provisions of this Act; and in case of loss where there shall be partial insurance on said property, the State Auditor and Ex-officio Commissioner of Insurance shall pay the state's share of the loss out of the state insurance fund after same shall have been duly appraised, adjusted and allowed.

Loss where partial insurance is held.

Act effective June 1, 1935.

Effect of renewals or extensions three months prior to effective date of Act.

Section 17. This Act shall become operative on the first day of June, 1935. The renewal on altered terms or the extension of any existing policies three months prior to the time that this Act becomes operative, without the approval of the State Auditor and Ex-officio Commissioner of Insurance shall be prima facie evidence of an intention to violate the law and such policy shall be cancelled out pro rata and state insurance shall be written for the proper amount.

Services of officers to be performed without additional compensation.

Section 18. It shall be the duty of all public officers to perform the duties relative to insurance under this Act without other compensation than that allowed by law.

Penalty for violations.

Section 19. Any person who violates the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be required to pay a fine of not more than Three Hundred Dollars (\$300.00) or by being imprisoned for not more than six (6) months, or by both such fine and imprisonment. The failure to file a report as required by this Act shall be prima facie evidence of violation of this Act.

Effect of failure to file report.

Saving clause.

Section 20. If any clause, sentence, paragraph, subdivision, section or part of this Act shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, invalidate or nullify the remainder of this Act, but shall be confined to the clause, sentence, paragraph, subdivision, section or part immediately involved, and the remainder of this Act shall be given effect.

Repealing clause.

Section 21. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 22. This Act shall be in force and effect from and after the first day of June, 1935.

Approved March 14, 1935.

CHAPTER 180

An Act to Enable the State of Montana to Protect and Conserve the Musical Instruments and Musical Library Generously Donated by W. A. Clark, Jr., in His Lifetime, for the Use of the Prisoners Confined in the State Prison at Deer Lodge; Intended to Take Full Advantage of the Trust Fund Created by W. A. Clark, Jr., in His Lifetime, for the Furnishing, Repairing and Supplying of Musical Instruments for the Use of Prisoners Confined in the State Prison, so Long as a Band Shall be Maintained; and Making Appropriation for Carrying Out the Purposes of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Due to the generosity of W. A. Clark, Jr., in his lifetime, it appears that there has been accumulated at the State Prison at Deer Lodge, a large and valuable assortment of musical instruments and a musical library devoted to the education and contentment of those who are unfortunate enough to be there held as prisoners.

Musical instruments and library at State Prison donated by W. A. Clark, Jr.

Section 2. In addition to such collection, it further appears that the said W. A. Clark, Jr., created a trust fund of Twenty-five Thousand Dollars (\$25,000.00) for the maintenance of a prison band, for musical instruction, and necessary musical equipment; which it is most desirable for the state to perpetuate for the purposes stated by its donor.

Trust fund of \$25,000 created by Clark.

Section 3. Such trust fund, it appears, is now being held and administered solely by Frank Conley, of Deer Lodge, his co-trustee, C. E. Larabie, having removed from the state and resigned, under a memorandum of trust which reads as follows:

"THIS MEMORANDUM WITNESSETH: That W. A. Clark, Jr., of Butte, Montana, has given in trust to the corporation, Larabie Brothers, a banking institution of

Memorandum of trust.

Memorandum
of trust.

Deer Lodge, Montana, the sum of Twenty-five Thousand Dollars (\$25,000.00) to the end that such corporation shall pay semi-annual interest on said sum at the rate of four per cent (4%) per annum, and shall pay said semi-annual interest January 1 and July 1 to Frank Conley and C. E. Larabie, of Deer Lodge, Montana, jointly also in trust, to the end that said Conley and said Larabie may apply such interest moneys as the same may be paid to the repairing of or to the replenishing of or to the supplying of musical instruments to the band of the State Prison at Deer Lodge, Montana, as the said trustees, Conley and Larabie, may be advised, so long as said prison shall have and maintain a band therein and thereat. The interest-bearing period of the aforesaid sum of Twenty-five Thousand Dollars (\$25,000.00) shall begin July 1, 1928.

“Upon the death or resignation of said Conley or said Larabie the said W. A. Clark, Jr., reserves the right to nominate any successor or successors to the trust.

“In the event such State Prison shall dispense with its band for any reason, then and in that event the corpus of the trust and any interest accrued thereon shall instantly revert to the said W. A. Clark, Jr., or to his heirs.

“In acknowledgment of the receipt of the trust fund of Twenty-five Thousand Dollars (\$25,000.00) and in acknowledgment of the trust itself, Larabie Brothers has hereunto set its hand and seal (in duplicate) at Deer Lodge, Montana, on this 1st day of July, A. D. 1928.

LARABIE BROTHERS BANKERS, INC.

Attest:

By C. E. LARABIE,
Its President.

A. G. LUEDMAN,
Its Secretary.

W. A. CLARK, JR.”

“WE, the undersigned, Frank Conley and C. E. Larabie, both of Deer Lodge, Montana, do hereby declare that we will act as trustees to effectuate the trust expressed in the above and foregoing memorandum and will so act without any compensation for our services to be rendered in such behalf.

WITNESS our hand in duplicate, at Deer Lodge, Montana, this 1st day of July, A. D. 1928.

FRANK CONLEY,
C. E. LARABIE."

Section 4. Such donations and the benefit to the state accruing in the reformation and education of prisoners should at all times be maintained by the state, if possible, and therefore the Governor is hereby empowered, with the approval of the State Board of Prison Commissioners, to appoint a suitable person to act in the capacity of musical director at the prison, who shall receive a salary of Two Thousand, Five Hundred Dollars (\$2,500.00) per year, payable monthly from funds available from interest accruing from the said trust fund, or from appropriations available.

Purpose of Act.

Musical director to be appointed.
Salary.

Section 5. The musical director herein provided for shall be the custodian of such musical instruments and equipment, and shall assist and train prisoners confined in the State Prison in maintaining an orchestra and band by utilization of the equipment and trust fund so provided.

Duties of musical director.

Section 6. For the purpose of administering said trust fund for the purposes expressed by the donor, and so that the trust may be continuing, the trustee shall be required to make an annual report to the district court of the Third Judicial District of the State of Montana, in and for the County of Powell, of the use and administration of such trust fund, and shall make report at such times as may be directed by such court, and the court is hereby given supervision over the administration of said trust fund.

Trustee to report to court.

Court to supervise.

Section 7. That there shall be and is hereby appropriated the sum of Two Thousand, Five Hundred Dollars (\$2,500.00) for the fiscal year 1935 and a like amount for the fiscal year 1936, from moneys in the general fund not otherwise appropriated, to be used for the purpose of carrying out the provisions of this Act.

Appropriation.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 9. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 14, 1935.

CHAPTER 181

An Act to Prohibit the Employment of Aliens or Non-citizens by Contractors and Subcontractors on All Public Works in the State of Montana, or to Employ Same in Any of the Departments or Institutions of the State of Montana and Providing for the Forfeiture of the Position of Any Alien or Non-citizen of the State of Montana When Made Known to the Proper Authorities, and Providing Penalties for Violation of the Provisions Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Aliens and non-citizens not to be employed on public works.

Section 1. No contractor, subcontractor or agent thereof shall employ aliens or non-citizens on public works in the State of Montana; provided, that in public works involving the expenditure of Federal funds, this Act shall not be enforced in such a manner as to conflict with or be contrary to Federal statutes and regulations prescribing labor preferences. No state or other public corporation in Montana, including all state or other public offices, commissions, boards, departments and other public bodies, shall employ aliens or non-citizens; provided, that this restriction shall not apply to the employment of technically educated and trained or professional persons, when persons of such classes cannot be secured among the citizens of the State of Montana.

Technically educated persons may be employed when not available from Montana citizens.

"Alien" or "Non-citizen" defined.

Section 2. The term "Alien" or "Non-citizen" as used herein means any person who is not native born, or a fully naturalized citizen, or has filed his intention to become a citizen of the United States and a resident of the State of Montana for at least one year preceding the date of being employed by the contractor, subcontractor or any agent thereof, or any department, institution or office of the State of Montana, or any subdivision thereof.

Penalty for violations of Act.

Section 3. Any officer, agent or representative of the State of Montana who shall wilfully violate, or fail to comply with any provision of this Act, and any contractor, subcontractor, or agent thereof, or department or institution or representative thereof, who shall neglect to keep an accurate record of names, occupation and

Record to be kept of names and citizenship.

citizenship of the employees, in connection with the state public works of the State of Montana, and operations of institutions and departments or who refuses to allow access to same at any reasonable hour to any person authorized to inspect same under this Act, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment of not exceeding six months, or by both fine and imprisonment.

Section 4. It shall be the duty of the Department of Labor in the State of Montana, or any duly authorized officer, thereof, to make inspection of the payrolls of all public works of the State of Montana, as well as payrolls of state institutions, departments and projects, to determine the status of the citizenship of the employees employed therein.

Department
of Labor to
inspect
payrolls.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1935.

CHAPTER 182

An Act to Regulate the Nomination and Election of Justices of the Supreme Court and Judges of the District Court of the State of Montana: Abolishing Certain Existing Methods in Such Cases and the Use of Party or Political Designations at Elections to Such Offices; Imposing Certain Duties Upon the Secretary of State and County Officers Having Charge of Election Affairs and Judges and Clerks of Election, and Adapting the Provisions of the Laws as They Now Exist to the Non-partisan Election of Judges of Courts of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That hereafter all candidates for the office of Justice of the Supreme Court of the State of Montana or Judge of the District Court in any judicial district of the State of Montana, shall be nominated and elected

Law appli-
cable to the
election of
Judges of the
Supreme and
District Courts.

in accordance with the provisions of this Act and in no other manner.

To be nominated at primary.

Section 2. Candidates for any office within the provisions of this Act, to be filled at any election to be held in the State of Montana, shall be nominated in the manner herein provided at the regular primary nominating election provided by law for the nomination of other candidates for other offices to be filled at such election, and all laws relating to such primaries shall continue to be in force and to be applicable to the said offices in so far as may be consistent with the provisions of this Act.

Primary election laws applicable.

Petition for nomination.

Section 3. All persons who shall desire to become candidates for nomination to any office within the provisions of this Act shall prepare, sign and file petitions for nomination in compliance with the requirements of the primary election laws, which petition for nomination shall be substantially in the following form: To..... (Name and title of officer with whom the petition is to be filed), and to the electors of the..... (State or counties of..... comprising the district or county as the case may be) in the State of Montana:

Form of.

I, ..., reside at....., and my postoffice address is..... I am a candidate on the non-partisan judicial ticket for the nomination for the office of..... at the primary nominating election to be held in the..... (State of Montana or district or county), on the..... day of....., 19....., and if I am nominated as a candidate for such office I will accept the nomination and will not withdraw, and if I am elected, I will qualify as such officer.

Petition not to indicate the political affiliation of the candidate.

Provided, however, that no such petition for judicial office shall indicate the political party or political affiliations of the candidate, and provided further that no candidate for judicial office may in his petition for nomination state any measures or principles he advocates, or have any statement of measure or principles which he advocates, or any slogans, after his name on the nominating ballot as permitted by Section 641, as amended by Chapter 133 of the Laws of the Eighteenth Session of the Legislative Assembly of Montana of 1923.

Candidate may not advocate a principle in his petition.

Each person so filing a petition for nomination shall pay or remit therewith the fee prescribed by law for the filing of such a petition for the particular judicial position for which he aspires for nomination. All such petitions for Justices of the Supreme Court and Judges of the several district courts of the state shall be filed with the Secretary of State.

Filing fee
to be paid.

Filed with
Secretary
of State.

Section 4. On receipt of each of such petitions the Secretary of State shall make corresponding entries in the "Register of Candidates for Nomination" as now provided by law, but on a page or pages of such register apart from entries made with reference to the district candidates of political parties.

Secretary of
State to enter
in "Register
of Candidates
for Nomina-
tion."

Section 5. At the same time and in the same manner as by law he is required to arrange and certify the names of candidates for other state offices the Secretary of State shall separately arrange and certify and file as required by law, the names of all candidates for judicial office, certifying to each County Clerk of the state the names of all candidates for judicial office entitled to appear on the primary ballot in his county, with all other information required by law to appear upon the ballot, which lists of judicial candidates shall be made upon separate sheets of paper from the lists of candidates to appear under party or political headings.

Duty to ar-
range and cer-
tify candi-
dates for ju-
dicial office.

To be sep-
arate from
list of candi-
dates to ap-
pear under
party headings.

Section 6. At the same time and in the same manner as he is by law required to prepare the primary election ballots for the several political parties, the County Clerk of each county shall arrange, prepare and distribute official primary ballots for judicial offices which shall be known and designated and entitled "Judicial Primary Ballots", which shall be arranged as are other primary ballots, except that the name of no political party shall appear thereon. The same number of official judicial primary ballots and sample ballots shall be furnished for each election precinct, as in the case of other primary election ballots.

Preparation
and distribu-
tion of judi-
cial primary
ballots.

Number of.

Section 7. Each elector having the right to vote at a primary election shall be furnished with a separate "Judicial Primary Ballot" at the same time and in the same manner as he or she is furnished with other ballots provided by law and each elector, without regard to

Judicial
ballot to
be separate.

political party, may mark such "Judicial Primary Ballot" for one or more persons of his choice for judicial nominations, depending on the number to be nominated and elected, which shall be deposited in the general ballot box provided. The official number of such judicial primary ballot so delivered and voted shall correspond to the official number of the regular ballot of the elector. Every elector shall be entitled to vote, without regard to politics, for one or more persons of his choice for nomination for judicial office, depending on the number of places to be filled at the succeeding general election. Different terms of office for the same position shall be considered as separate offices.

Every person entitled to vote judicial ballot without regard to politics.

Judicial ballot to be separately counted and canvassed.

Section 8. After the closing of the polls at a primary election, the election officers shall separately count and canvass the judicial primary ballots and make record thereof, and certify to the same, showing the number of votes cast for each person upon the judicial primary ballot, in addition to certifying the party vote or other matters voted upon as required by law. Judicial ballots, their stubs, and unused ballots, shall be disposed of in the same manner as other ballots, stubs and unused ballots, and all returns made in the same manner now provided by law.

General law applicable to returns.

Who are nominated.

Number of.

Section 9. The candidates for nomination at any primary election for any office within the provisions of this Act, to be filled at the succeeding general election, equal in number to twice the number to be elected at the succeeding general election, who shall have received at such primary election the highest number of votes cast for nomination to the office for which they are candidates (or if the number of all of the candidates voted for as aforesaid be not more than twice the number to be elected, then all the candidates) shall be the nominees for such office; and their names, and none other, except as hereinafter provided, shall be printed as candidates for such respective offices upon the official ballots which are provided according to law for use at such succeeding primary or general election; provided that no candidate shall be entitled to have his name placed on the judicial ballot at the general election, in any form, unless he shall have been a successful candidate at the primary election.

Must be successful candidate at primary to be placed on ballot for general.

Section 10. In case of a tie vote, candidates receiving tie vote for Justice of the Supreme Court or Judge of the District Courts shall appear and cast lots before the Secretary of State on the fifth day after such vote is officially canvassed. In case any such candidate or candidates shall fail to appear either in person or by proxy in writing, before twelve o'clock noon of the day appointed, the Secretary of State shall by lot determine the candidate whose name will be certified for the general election and printed on the official ballot.

Tie vote, how decided.

Section 11. If after any primary election, and before the succeeding general election, any candidate nominated pursuant to the provisions of this Act, shall die or by virtue of any present or future law become disqualified from or disentitled to have his name printed on the ballot for the election, a vacancy shall be deemed to exist which shall be filled by the otherwise unnominated and not disentitled candidate for the same office next in rank with respect to the number of votes received in such primary election. If after the primary, and before the general election, there should not be any candidate nominated and living and entitled to have his name printed on the ballot for any office which is within the provisions of this Act, or not enough of such candidates to equal the number of persons to be elected to such office, then the Governor in the case of Justices of the Supreme Court and Judges of the District Courts is authorized and empowered to certify to the Secretary of State the names of persons qualified for such office or offices equal in number to twice the number to be elected at the general election, and the names of the persons so nominated shall thereupon be printed on the official ballot in the same manner as though regularly nominated at the judicial primary election. Nominations so made by the Governor to fill a vacancy shall not be deemed filed too late if filed within ten days after the vacancy occurs, and in case the ballots for the election have already been printed, stickers may be used to place the names of such candidate upon the ballot.

Vacancy after nomination and before general, how filled.

Where there are no candidates nominated or not enough to equal number of persons to be elected then Governor shall nominate.

When Governor shall nominate.

Section 12. At every general election at which any candidate for judicial office is to be voted upon the elector shall be provided with a separate official ballot having the same identification upon the stub thereof as

Judicial ballot for general election.

the regular ballot plainly marked "Judicial Ballot", and the count and canvass of such votes shall be separate from the regular ballots of political parties. For the guidance of voters, the ballot shall make suitable designation of the number of persons the elector may vote for, for each particular office to be filled at such election.

Unlawful for political party to endorse a judicial candidate.

Section 13. It shall be unlawful for any political party to endorse any candidate for the office of Justice of the Supreme Court or Judge of a District Court, and anyone who in any way participates in such endorsement by any political party, or who purports to act on behalf of any political party in endorsing any candidate, shall be guilty of a misdemeanor.

Arrangement of judicial ballot where voting machines are used.

Section 14. In all counties of the state where voting machines are now, or may hereafter be used in any elections, it shall be the duty of the Clerk and Recorder to arrange the judicial ballot in both the primary and general elections in the vertical column or horizontal row or space, immediately following the column, row or space assigned the first major political party and immediately preceding the column, row or space assigned the second major political party.

Repealing clause.

Section 15. All Acts and parts of Acts in conflict herewith are hereby repealed, and all laws pertaining to elections, both primary and general, and to special elections, not in conflict herewith are hereby declared applicable to the nomination and election of the officers herein referred to.

General election laws applicable when.

Approved March 14, 1935.

CHAPTER 183

An Act to Amend Section 65 of Chapter 60 of the Laws of the State of Montana of 1927, as Amended by Chapter 28 of the Laws of the State of Montana of 1929, Relating to Mineral Reservations in State Lands, it Being the Purpose of This Amendment to Restore the Said Section 65 to its Original Intent.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 65 of Chapter 60 of the Laws of the State of Montana of 1927 as amended by Chapter 28 of the Laws of the State of Montana of 1929, be, and the same is hereby re-amended to read as follows:

“Section 65. **Mineral Reservations in State Lands.** All coal, oil, oil shale, gas, phosphate, sodium and other mineral deposits, except sand, gravel, building stone and brick clay, in lands belonging to the State of Montana, or which may hereafter become the property of the state, which have not already been reserved by the United States, are hereby reserved to the state. All such deposits are reserved from sale except upon a rental and royalty basis as provided by law. In the case of lands sold after this Act takes effect, a purchaser of any lands belonging to the state or which may hereafter become the property of the state shall acquire no right, title, or interest in or to any of such deposits, except that where the oil and gas have not been reserved by the United States the purchaser of mortgage lands shall be entitled to receive a royalty of six and one-fourth per centum ($6\frac{1}{4}\%$) of all gas or oil produced from such mortgage lands, such royalty to be payable directly to him by the lessee either in gas or oil or in cash as the purchaser may desire and determine; provided, however, that the purchaser of the mortgage land shall not have any right to lease such land or any part thereof for oil and gas exploration or production; the state shall have the sole power to lease the land for all mineral purposes. The state also reserves for itself and its lessees the right to enter upon such lands to prospect for, develop, mine and remove such deposits and to occupy and use so much of the surface of the said lands as may be required for all purposes reasonably extending to the exploring for, mining and removal of such deposits therefrom, but the lessee shall make just payment to the purchaser for all damage done by reason of such entry upon the land and the use and occupancy of the surface thereof.

These mineral reservations shall not apply to lands that the state has acquired through the foreclosure of mortgages or otherwise acquired in connection with mortgages given to it when the mortgagor or anyone claiming under him exercises his right to repurchase such lands within the statutory period of one year and ninety

Amending clause.

Mineral reservations in state lands.

Purchaser in future acquires no title to deposits.

How handled where U. S. has reserved mineral rights.

State reserves right of entry on lands for purpose of utilizing such mineral rights.

Payment of damages.

Not to apply to land acquired by state through foreclosure of mortgages when.

days from the time that the state so acquired title. In cases of this kind all rights shall go with the land that passed with the land from the mortgagor to the state; but in case that such lands are not so repurchased, then the same shall be subject to these mineral reservations the same as other state lands.”

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

Approved March 14, 1935.

CHAPTER 184

An Act to Prohibit the Conducting of Certain Entertainment at, in, About or Adjacent to Any Beer Hall, Room, Establishment or Premises in Which Beer is Sold Under the Laws of Montana; Defining the Terms Used in This Act; Providing Penalties for the Violation of This Act, and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

“Entertain-
ment” defined.

Section 1. The term “Entertainment” as used in this Act shall include every species and kind of entertainment, including vaudeville shows, motion picture shows, variety shows and all forms of dancing; provided, however, that it shall not include the usual and social forms of dancing participated in solely by bona fide patrons.

Social dancing
not included.

Unlawful to
conduct or to
permit enter-
tainment in
beer vending
establishments.

Section 2. Hereafter it shall be unlawful for any person, firm, company, corporation or association of individuals to conduct or provide or permit to be conducted or provided, any entertainment of any sort or kind at, in or about any beer hall or any room, premises, place or establishment at which beer is sold or licensed to be sold, either under the provisions of the Montana Beer Act or any other law of Montana, now or hereafter in effect, regulating and licensing the sale of beer.

Section 3. Any person or persons, firm, company, corporation, or association violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not to exceed ninety (90) days, or by both such fine and imprisonment, and each day during which any violation of this Act shall be permitted to continue, shall constitute a separate offense and shall be subject to like punishment.

Penalty for violation.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall take effect upon its passage and approval.

Approved March 14, 1935.

CHAPTER 185

An Act Creating the Montana Highway Patrol Board, Designating the Members Thereof, Providing for the Selection, Qualification and Duties of a Highway Patrol Supervisor and Patrolmen; Defining Certain Offenses on the Highways as Menaces to the Public Health and Safety, and Fixing Penalties for the Infraction Thereof; Providing for State Drivers' Licenses; Creating a Highway Patrol Revolving Fund From Licenses and Fines; Deeming This Act an Emergency Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created a "Montana Highway Patrol" under the control and supervision of the Montana Highway Commission.

Montana Highway Patrol, creation of.

Section 2. Within sixty (60) days after the passage and approval of this Act, the Montana Highway Patrol shall organize by fixing a permanent place of business, providing for clerical help, selecting a Highway Patrol

When effective.

Organiza-
tion of.

Supervisor, fixing reasonable rules and regulations for protecting the highways and the traveling public, and providing for the maintenance of the patrol and providing a method in conformity with the provisions of this Act for the employment and supervision of the patrol.

Highway
Patrol Super-
visor, term
and salary.

Section 3. The Highway Patrol Supervisor shall hold his office until his appointment is terminated for cause, and shall receive a salary of not to exceed Three Thousand Dollars (\$3,000.00) per annum and necessary traveling expenses. The Supervisor shall have direct control and supervision of all patrolmen subject to the approval of the Montana Highway Patrol Board. The person named as Supervisor shall have been a continuous resident of Montana for at least five (5) years.

Powers of.

Residence
required.

Board to ap-
point patrol-
men.

Section 4. The board shall designate and name patrolmen in such number as may be justified from the fund hereinafter to be provided; said patrolmen shall be chosen in equal numbers from the twelve highway districts. Replacements and additions to the force shall be made in the same manner, but in no event shall the salaries and expenses of patrolmen ever exceed the amount hereinafter provided in the state highway patrol revolving fund. Patrolmen shall possess the following qualifications:

Salary and
expenses of
not to exceed
patrol fund.

Qualifica-
tions of
patrolmen.

1. Sound and active physical condition.
2. Good moral character.
3. Between the ages of twenty-four (24) and fifty-five (55) at the time of entering the service.
4. Resident of Montana for at least five years past.
5. Pass a satisfactory test in the operation of both automobiles and motorcycles.
6. Not over fifty-five (55) per cent of the patrolmen shall belong to one political party.

Probationary
training of.

All patrolmen shall be placed under probationary training and service for a period of three months before permanent appointment by the board, and shall hold their permanent appointments while there are sufficient funds in the department or until removed for cause, after hearing before the board. The initial salary of patrolmen shall be One Hundred Twenty-five Dollars (\$125.00) per

Removal of.

Compensa-
tion of.

month, but the same may be increased at the discretion of the board not to exceed One Hundred and Sixty Dollars (\$160.00) for merited service in the patrol, together with actual traveling expenses.

Section 5. The board shall, as soon as possible, equip patrolmen with either automobiles or motorcycles and all of said equipment shall be fitted with a distinctive siren and a particularly designated light at night. Probationary patrolmen shall provide themselves with a cap and badge designating their position, and permanent patrolmen shall equip themselves with a standard uniform designated by the board.

Automobiles
or motorcycles
to be furnished.

Uniform of
patrolmen.

Section 6. For the purpose of this Act, the following acts on the main or secondary highways of the State of Montana outside of incorporated cities and towns, shall be deemed and declared menaces to the public health and safety, and constitute a crime punishable by law as hereinafter provided:

Highway
violations.

1. Driving a motor vehicle in the night time without two well focused headlights and at least one tail light.

Lights.

2. Driving a motor vehicle without all proper licenses or permits, as now required or hereinafter provided.

License or
permits.

3. Driving a motor vehicle with improperly adjusted brakes.

Brakes.

4. Passing a motor or other vehicle without giving proper warning.

Passing.

5. Passing other motors or vehicles on sharp turns or hills.

Passing.

6. Passing or meeting vehicles on the wrong side of the road.

Passing wrong
side of road.

7. Transporting a trailer without proper lights or reflectors.

Trailers with-
out lights.

8. Driving a vehicle other than automotive at night without proper lights or reflectors.

Other vehicles
without lights.

9. Failure to completely stop a car at all stop signals, stop streets and intersections, or failure to give the proper warning when stopping or turning on a highway.

Stopping and
turning.

Driving
recklessly.

Speed.

10. Driving an automotive vehicle in a reckless manner. Driving an automobile or motorcycle in excess of speeds designated by the Highway Patrol Supervisor at dangerous points.

Driving while
intoxicated.

11. Driving a motor or other vehicle while intoxicated.

Penalties for
violations
other than
driving reck-
lessly or while
intoxicated.

Section 7. The violation of any of the provisions of the above mentioned sections, or other provisions of the state motor vehicle laws, other than driving in a reckless manner or while intoxicated, shall be punishable as follows:

First offense.

For the first offense the offender, in the discretion of the patrolmen, may be issued a "warning" card or be punished, on conviction, by a fine of not less than Two Dollars (\$2.00) or more than Five Dollars (\$5.00).

Second offense.

For the second offense of the above mentioned provisions, the penalty shall not be less than Five Dollars (\$5.00) or more than Ten Dollars (\$10.00).

Third offense.

For the third or subsequent offenses, the penalty shall not be less than Twenty-five Dollars (\$25.00) or more than One Hundred Dollars (\$100.00).

Imprisonment
for failure
to pay fine.

On failure of payment of fines, the offender, in cases of misdemeanor, shall be imprisoned in the county jail in the county in which the offense has been committed, and said imprisonment shall be computed upon the basis of a Two Dollar (\$2.00) fine for each day's incarceration.

Penalty for
reckless
driving.

First offense.

For the offense of driving in a reckless manner, the fine for the first offense shall not be less than Ten Dollars (\$10.00) or more than Three Hundred Dollars (\$300.00) and/or imprisonment in the county jail for a term of not less than five (5) days or more than thirty (30) days.

Second offense.

For the second offense, the fine shall not be less than Three Hundred Dollars (\$300.00) or more than Five Hundred Dollars (\$500.00) and/or imprisonment in the county jail for a term of not less than thirty (30) days or more than six (6) months.

For the third offense, the fine shall not be less than Five Hundred Dollars (\$500.00) or more than One Thousand Dollars (\$1,000.00) and/or imprisonment in the State Prison for a term of not less than six (6) months or more than three (3) years.

Third offense.

For the offense of driving while intoxicated, the penalty for the first offense shall be a fine of not less than Twenty-five Dollars (\$25.00) or more than Three Hundred Dollars (\$300.00) and/or imprisonment in the county jail for a term of not less than ten (10) days or more than six (6) months.

Penalty for driving while intoxicated.

First offense.

For the second offense, the fine shall not be less than Three Hundred Dollars (\$300.00) or more than One Thousand Dollars (\$1,000.00) and/or imprisonment in the State Prison for a term of not less than six (6) months or more than three (3) years.

Second offense.

For the third offense, the fine shall be not less than One Thousand Dollars (\$1,000.00) or more than Five Thousand Dollars (\$5,000.00) and/or imprisonment in the State Prison for a term of not less than three (3) years or more than ten (10) years.

Third offense.

In addition to the above-mentioned penalties, upon conviction of a motor vehicle driver of any of the offenses heretofore mentioned, it shall be in the discretion of the board to suspend, for a stated period, or to revoke said driver's license. In the event of such suspension or revocation, an appeal may be had to any court of competent jurisdiction for a review of the order.

Driver's license may be suspended or revoked by board.

Appeal.

It is not the intent of this Act to in any manner provide immunity from civil prosecution or action for damages.

Civil remedies unchanged.

Section 8. In addition to the above mentioned duties, the Highway Patrol Supervisor and all patrolmen are authorized under this Act to make arrests for the following offenses committed in their presence or when requested by any peace officer:

When patrolmen may make arrests.

The crimes of murder, assault with a deadly weapon, arson, burglary, grand larceny, kidnapping, illegal transportation of narcotics, or violation of the Dyer Act regarding the transportation of stolen automobiles, but in

Limitation on. no event shall such patrolmen be deemed police officers in making arrests in other offenses, and shall in felony offenses, cooperate with Sheriffs and other peace officers; provided that such highway patrolmen shall have no authority and are expressly forbidden to make arrests in labor disputes or in preventing violence in connection with strikes, and shall not be permitted to perform any duties whatsoever in connection with labor disputes, strikes or boycotts, and shall not be permitted to congregate or act as a unit in one county to suppress riots or to preserve the peace.

No power to arrest in labor disputes.

Not to congregate to preserve peace in one county.

How arrests shall be made. Section 9. Patrolmen, upon making an arrest, shall either deliver the offender to the nearest Justice of the Peace or, in lieu thereof, deliver to the offender a form of complaint describing the nature of the offense with instructions thereon for the offender to report to the nearest Justice of the Peace, with a notation of the proper bail justifiable for the offense.

Fees of Justices of Peace. For the purpose of this Act only, the fees of Justices of the Peace in all offenses in which the fine is Five Dollars (\$5.00) or less, shall be One Dollar (\$1.00), but if the fine is in excess of Five Dollars (\$5.00), the Justice of the Peace shall be permitted the fees now prescribed by law; provided that no additional fees shall be paid Justices of the Peace where salaries are fixed by law.

Fines under \$5.00.

Fines over \$5.00.

Driver's license to be procured. Section 10. Within sixty (60) days from and after the passage and approval of this Act, every owner and driver of a motor vehicle, including motorcycles, shall procure a driver's license from the Registrar of Motor Vehicles or from the County Treasurer of the county in which applicant resides.

Fees for driver's license. The fee for a driver's license for a taxi driver, truck driver or the owner of a motor vehicle shall be Fifty Cents (50c); for any additional drivers of passenger cars the fee shall be Twenty-five Cents (25c).

Highway Patrol revolving fund. Section 11. For the purposes of carrying out the provisions of this Act, there is hereby created a state highway patrol revolving fund to which shall be credited all of the fees above mentioned and, in addition thereto, all fines collected. Payment of all proper and approved

Payments from.

expenditures for the salaries, expenses, equipment and maintenance of the highway patrol, including court costs not otherwise provided for, shall be made from the state highway patrol revolving fund in the same manner as other claims against said fund are paid. All fees, fines and forfeitures collected in any court from persons apprehended or arrested by patrolmen for violation of this Act and the laws and regulations relating to the use of state highways and the operation of vehicles thereon must be paid to the State Treasurer of Montana, and by him credited to the state highway patrol revolving fund, and a separate account shall be kept thereof; and at the time of payment of any such fee, fine or forfeiture there shall be filed with the State Treasurer a complete statement showing the total of the fees, fines or forfeitures received or incurred, which statement shall give the title of the court and cause and be subscribed by the person or officer making such payment; provided that from said fund shall be paid all court costs and fees, and expenses of the counties, in the event prisoners have been boarded.

Fees and fines
to be paid
into fund.

Statement of
fees and fines
to be made.

All fees in the state highway patrol revolving fund shall be used only for the purposes of said patrol as provided in this Act, and warrants thereon shall be issued as provided by law.

Section 12. If any clause, sentence, section, paragraph, part or portion of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, unconstitutional or inoperative, such judgment shall not affect, impair or invalidate the validity of the Act as a whole, or the remainder of this or any part thereof which can be given effect, but shall be confined in its operation to the particular clause, sentence, section, paragraph, part or portion directly adjudged to be so invalid, unconstitutional or inoperative.

Saving
clause.

Section 13. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed or amended to conform with the provisions of this Act.

Repealing
clause.

Section 14. This Act is hereby deemed and declared to be an emergency Act and to be in full force and effect sixty (60) days after its passage and approval.

Emergency
clause.

Approved March 14, 1935.

CHAPTER 186

An Act Amending Section 1, of Chapter 65 of the Laws of the Eighteenth Legislative Assembly, 1923, as Amended by Section 1 of Chapter 105 of the Session Acts of the Twentieth Legislative Assembly of 1927, Relating to a Tax on Inheritances and Transfers of Property, Said Amendment Providing for an Extension of the Time Within Which Certain Transfers Shall be Liable to Taxation and for the Determination of the Time as to When Such Transfers Will be Presumed to Have Been Made; Adding Certain Duties to the State Registrar of Vital Statistics in Connection With the Report of Deaths and to County Clerks in Regard to Reports to the State Board of Equalization of Certain Property Transfers.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1, of Chapter 65 of the Laws of the Eighteenth Legislative Assembly, 1923, as amended by Section 1 of Chapter 105 of the Session Acts of the Twentieth Legislative Assembly of 1927, be, and the same hereby is amended to read as follows:

Tax on
transfers of
property.

“Section 1. **How and When Imposed.** A tax shall be and is hereby imposed upon any transfer of property, real, personal or mixed, or any interest therein, or income therefrom in trust or otherwise, to any person, association or corporation except the State of Montana, or any of its institutions, county, town or municipal corporations within the state, for strictly county, town, municipal or other public purposes, and corporations of this state organized under its laws, or voluntary associations, organized solely for religious, charitable, or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization, within the state, in the following cases, except as hereinafter provided:

Exceptions.

Transfer by
will or in-
testacy from
resident
of state.

(1) **By a Resident of State.** When the transfer is by will or by intestate laws of this state from any person dying possessed of the property while a resident of the state.

(2) **Non-resident's Property Within State.** When a transfer is by will or intestate law, of property within the state or within its jurisdiction and the decedent was a non-resident of the state at the time of his death.

Transfer by non-resident of property within state.

(3) **In Contemplation of Death.** When the transfer is of property made by a resident or by a non-resident when such non-resident's property is within the state, or within its jurisdiction, by deed, grant, bargain, sale or gift, made in contemplation of the death of the grantor, vendor, or donor, or intended to take effect in possession or enjoyment at or after such death. Every transfer by deed, grant, bargain, sale or gift, made within three years prior to the death of the grantor, vendor or donor, of a material part of his estate, or in the nature of a final disposition or distribution thereof, and without a fair consideration in money or money's worth shall, unless shown to the contrary be deemed to have been made in contemplation of death within the meaning of this section.

Transfer made in contemplation of death.

Certain transfers made within 3 years of death deemed in contemplation of death.

(4) **When Imposed.** Such tax shall be imposed when any such person or corporation becomes beneficially entitled, in possession or expectancy, to any property or the income thereof, by any such transfer whether made before or after the passage of this Act; provided that the provisions of this Act shall apply to all estates of all decedents who have died since the first day of April, 1921, and which estates remain undistributed on the date when this Act takes effect, to the same extent and in the same manner as though this Act had been in full force and effect at the dates of death of such decedents, and if any tax shall have been paid by any executor, administrator, heir, legatee or devisee of any such decedent before the date when this Act takes effect, the amount of such tax so paid shall be allowed as a credit on the total amount of tax required to be paid by such executor, administrator, heir, legatee, or devisee under the provisions of this Act.

When tax shall be imposed.

Act applicable to estates of persons who died since April 1, 1921.

Credit to be allowed for taxes paid.

(5) **Transfer Under Power of Appointment.** Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property, made either before or after the passage of this Act, such appointment, when made, shall be deemed a transfer tax-

Transfer under power of appointment.

Effect of failure to exercise power of appointment within time provided therefor.

able under the provisions of this Act, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power, and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this Act, shall be deemed to take place to the extent of such omission or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related, had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

Property held jointly, how treated.

(6) **Joint Estates.** Whenever any property, real or personal, is held in the joint names of two or more persons, or as tenants by the entirety, or is deposited in banks or other institutions or depositaries in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons, the right of the surviving tenant by the entirety, joint tenant, or joint tenants, person or persons, to the immediate ownership or possession of such property shall be deemed a transfer of one-half or other proper fraction thereof as though the property to which such transfer relates belonged to the tenants by the entirety, joint tenants, or joint depositors as tenants in common, and had been bequeathed or devised to the surviving tenant by the entirety, joint tenant, or joint tenants, person or persons, by such deceased tenant by the entirety, joint tenant, or joint depositor, by will, except such part thereof as may be shown to have originally belonged to the survivor and never to have belonged to the decedent.

Insurance over and above \$50,000.

(7) **Insurance Part of Estate.** All insurance payable upon the death of any person over and above Fifty Thousand Dollars (\$50,000.00), shall be deemed a part of the property and estate passing to the person or persons entitled to receive the same and if payable to more than one person the said Fifty Thousand Dollars (\$50,000.00) exemption shall be prorated between such persons in proportion to the amount of insurance payable to each.

(8) **On Clear Market Value.** The tax so imposed shall be upon the clear market value of such property passing by any such transfer to each person, institution, association, corporation, or body politic, at the rates hereinafter prescribed and only upon the excess of the exemption hereinafter granted to such person, institution, association, corporation or body politic, and in determining the clear market value of the property so passing by any such transfer the following deductions, and no other shall be allowed; debts of the decedent owing at the date of death, expenses of funeral and last illness, all state, county and municipal taxes which are a lien against property situated in this state at the date of death, the ordinary expenses of administration, including the commissions and fees of executors and administrators and their attorneys actually allowed and paid, and Federal estate taxes due or paid.

Tax on clear market value.

Deductions allowed.

All transfers of property real, personal, or mixed, or of any interest therein, coming within the provisions of this section shall be prima facie proof, for the purposes of this Act, to have been made as of the date upon which the papers evidencing such transfer are recorded, and all such transfers, if recorded after the death of the person or persons making such transfer, whatever the form of such transfer, shall be deemed, for the purposes of taxation under the provisions of this Act, to have been made by will."

Date when instrument is recorded to be prima facie date when made.

Effect of recording after death.

Section 2. The State Registrar of Vital Statistics shall prepare on or before the fifth of January, April, July and October of each year a list of all deaths, together with the date of such death, reported to him during such period and shall send a copy of such list of deaths to the County Clerk of each county in the state.

Registrar of Vital Statistics to send copy of list of deaths to County Clerks.

Section 3. The County Clerk, upon the receipt of the list of deaths provided for in Section Two above, shall immediately check the records of his county to determine whether any of the deceased persons whose names appear upon such list may have made any transfer of property or of property rights within such county during the three years preceding the death of such person or whether such deceased person may have been pos-

County Clerk to check records for transfers made 3 years prior to death.

sessed of any property in such county at the time of his death.

Duty to notify
State Board
of Equalization
of transfers.

If he shall find that any such deceased person may have made any such transfers of property or of property rights, or have died possessed of such, he shall immediately transmit such information to the State Board of Equalization.

Repealing
clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect immediately upon its passage and approval.

Approved March 14, 1935.

CHAPTER 187

An Act to Amend Sections 4819 and 199, Subdivision 5, Revised Codes of Montana of 1921, Relating to the Duties of County Attorneys and to the Supervisory Powers of the Attorney General.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 4819 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Duties of
County
Attorney.

“Section 4819. **Duties of County Attorney.** The County Attorney is the public prosecutor, and must:

Attend dis-
trict court.

Prosecute pub-
lic offenses.

Represent
the state.

1. Attend the district court and conduct, on behalf of the state, all prosecutions for public offenses and represent the state in all matters and proceedings to which it is a party, or in which it may be beneficially interested, at all times and in all places within the limits of his county;

Institute pro-
ceedings for
the arrest of
public of-
fenders.

2. Institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that such offenses have been committed, and for that purpose, whenever not otherwise officially engaged, must attend

upon the magistrate in cases of arrest, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration;

Attend and advise grand jury.

3. Draw all indictments and informations, defend all suits brought against the state or his county, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county;

Draw indictments and informations.

Prosecute and defend suits of state and county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the County Treasurer;

Deliver receipts for money and property received.

5. On the first Monday of January, April, July, and October, in each year, file with the County Clerk an account, verified by his oath, of all moneys received by him in his official capacity during the preceding three months, and at the same time pay it over to the County Treasurer;

Quarterly account of money received.

6. Give when required, and without fee, his opinion in writing to the county, district, and township officers, on matters relating to the duties of their respective offices;

Written opinions to county, district and township officers.

7. Keep a register of all official business, in which must be entered a note of every action, whether criminal or civil, prosecuted officially, and of the proceedings therein.

Keep a register of all official business.

8. When ordered or directed by the Attorney General so to do, to promptly institute and diligently prosecute in the proper court, and in the name of the State of Montana, any criminal or civil action or special proceeding, it being hereby declared that the supervisory powers granted to the Attorney General by Section 199 (5) of this Code, include the power to order and direct said County Attorneys in all matters pertaining to the duties of their office."

Prosecute actions when ordered to do so by Attorney General.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1935.

CHAPTER 188

An Act to Amend Sections 2089, 2090 and 2091 of the Revised Codes of Montana of 1921, Relating to the Statement of Gross Yield of Mines and Net Proceeds, the Computation and Taxation Thereof, and Transmission of Net Proceeds and Royalty Assessments to the Counties; as Amended by Chapter 191, Laws of 1925, Chapters 139 and 140, Laws of 1927, Chapter 133, Laws of 1931, and Chapter 161, Laws of 1933; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2089 of the Revised Codes of Montana, 1921, as amended by Chapter 191, Laws of 1925, Chapters 139 and 140, Laws of 1927, Chapter 133, Laws of 1931 and Chapter 161, Laws of 1933 of the Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

When state-
ment of gross
yield of mine
shall be made.

“Section 2089. **Statement of Yield.** Every person, partnership, corporation or association, engaged in mining upon any quartz vein or lode, or placer mining claim, or mining from or upon any mine whatsoever containing gold, silver, copper, coal, lead, petroleum, natural gas or other valuable mineral or mineral deposits must on or before the thirty-first day of March in each year make out a statement of the gross yield of the above named metals or minerals from each mine owned or worked by such person, corporation or association during the year preceding the first day of January of the year in which such statement is made, and the value thereof. Such statement shall be in the form prescribed by the State Board of Equalization, and must be verified by the oath of such person or the manager, superintendent, agent, president or vice-president of such corporation, association or partnership, and must be delivered to the State Board of Equalization on or before the thirty-first day of March. Such statement shall show the following:

Form of.

Verification of.

What state-
ment shall
show.

Name and
address of
parties claim-
ing interest
in mine.

1. The name and address of the owner or lessee or operator of the mine, together with the names and addresses of any and all persons, corporations or associations owning or claiming any royalty interest in the min-

eral product of such mine or the proceeds derived from the sale thereof, and the amount or amounts paid or yielded as royalty to each of such persons, corporations or associations during the period covered by the statement.

2. The description and location of the mine.

3. The number of tons of ore, barrels of petroleum, cubic feet of natural gas or other mineral products or deposits extracted, produced, and treated or sold from the mine during the period covered by the statement.

Amount of
product sold.

4. The amount and character of such ores, mineral products or deposits, and the yield of such ores, mineral products or deposits from such mine in constituents of commercial value; that is to say, the number of ounces of gold or silver, pounds of copper or lead, tons of coal, barrels of petroleum or other crude or mineral oil, cubic feet of natural gas or other commercially valuable constituents of said ores or mineral products or deposits measured by standard units of measurement, yielded to such person, corporation or association so engaged in mining, and to said royalty holders and each of them, if any, during the period covered by the statement.

Amount and
character of
such products
yielded.

5. The gross yield or value in dollars and cents.

6. Actual cost of extracting same from mine.

7. Actual cost of transporting to place of reduction or sale.

8. Actual cost of reduction or sale.

9. Actual cost of marketing the product and conversion of same into money.

10. Cost of construction, repairs and betterments of mines, and cost of repairs and replacements of reduction works.

11. The assessed valuation of reduction works for the calendar year for which such return is made.

12. Actual cost of fire insurance and workmen's compensation insurance."

Section 2. That Section 2090 of the Revised Codes of Montana, 1921, as amended by Chapter 191, Laws of 1925, Chapters 139 and 140, Laws of 1927, Chapter 133,

Amending
clause.

Laws of 1931 and Chapter 161, Laws of 1933 of the Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Net proceeds, how computed.	“Section 2090. Net Proceeds—How Computed. The State Board of Equalization shall calculate and compute from said returns the gross product yielded from such mine, and its gross value in dollars and cents for the year preceding the first day of January, and also shall calculate and compute the net proceeds in dollars and cents of said mine yielded to such person, corporation or association so engaged in mining, which said net proceeds shall be ascertained and determined by subtracting
Deductions.	from the value in dollars and cents of the gross product thereof the following, to-wit:
Royalties.	1. All royalty paid or apportioned in cash or in kind by the person, corporation or association so engaged in mining.
Expense of labor and ma- chinery, etc.	2. All moneys expended for necessary labor, machinery and supplies needed and used in the mining operations and developments.
Improvements and repairs.	3. All moneys expended for improvement, repairs and betterments necessary in and about the working of the mine.
Repairs and replacements.	4. All moneys expended for costs of repairs and replacements of the milling and reduction works used in connection with the mine.
Depreciation.	5. Depreciation in the sum of six per cent (6%) of the assessed valuation of such milling and reduction works for the calendar year for which such return is made.
Transportation and market- ing costs.	6. All moneys expended for transporting the ores, and mineral products or deposits from the mines to the mill or reduction works or to the place of sale, and for extracting the metals and minerals therefrom, and for marketing the product and the conversion of the same into money.
Fire insurance and workmen's compensation.	7. All moneys expended for fire insurance and workmen's compensation insurance.

No moneys invested in the mines and improvements during any year, except the year for which such statement is made, shall be included in such expenditures; and such expenditures shall not include the salaries, or any portion thereof, of any person or officer not actually engaged in the working of the mine or superintending the management thereof."

Items not included in expenditures.

Section 3. Upon receipt of the list or schedule setting forth the names and addresses of any and all persons, corporations and associations owning or claiming royalty, and the amount or amounts paid or yielded as royalty to such royalty owners or claimants during the year for which such return is made, the State Board of Equalization shall proceed to the assessment of all such royalties, and shall assess the same at the full cash value of the money or product yielded during such preceding calendar year, and the same shall be taxed on the same basis as net proceeds of mines are taxed as provided by Section 1999 of the Revised Codes of Montana of 1921.

State board to assess royalties at full cash value.

How taxed.

Section 4. If any such report required by this chapter contains any wilfully false or fraudulent statements as to the gross amount received by any person, corporation or association so engaged in mining as aforesaid, for any mine's product, then the said State Board of Equalization shall compute the gross value of such mine's product, and such gross value shall be based upon the average quotations of the price of such mine's product in New York City, or the relative market value at the point of delivery, as evidenced by some established authority or market report, such as the Engineering and Mining Journal of New York City, or some other standard publication, giving the market reports for the year covered by the statement; and, provided further, that if any such person, corporation, or association has sold or otherwise disposed of any of its mine's product at a price substantially below the true market price of such product at the time and place of such sale or disposal, then the State Board of Equalization shall compute the gross value of such portion of said mine's product, so sold or disposed of substantially below the market price as aforesaid, which gross value shall be based upon the quotations of the price of such mine's product in New York City, or the relative market value at the point of

State board to compute the gross value when report contains any false or fraudulent statements.

How computed.

How computed where products have been sold below true market price.

delivery at the time such portion of the product was so sold or otherwise disposed of, as evidenced by some established authority or market report, such as the Engineering and Mining Journal, of New York City, or some other standard publication giving the market reports for the year covered by such statement. Should there be no quotation covering any particular product, then the State Board of Equalization shall fix the value of such gross product, or such portion thereof, as shall have been sold or otherwise disposed of at a price substantially below the true market price at the time and place of such sale or disposal in such a manner as may seem to be equitable.

Board to fix value where there are no quotations in equitable manner.

Amending clause.

Section 5. That Section 2091 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

State board to transmit valuations to County Clerk.

“Section 2091. **Transmission of Net Proceeds to County Clerk.** On or before the fifteenth day of June in each year the State Board of Equalization shall transmit to the County Clerk of each county in which such mines and mining claims are situated, the valuation of the net proceeds of such mines and mining claims for the purpose of taxation, as the same have been determined and fixed by such State Board of Equalization, and the County Clerk shall immediately enter the same upon an assessment roll called ‘Assessment Roll of Net Proceeds of Mines’, alphabetically arranged, and in which shall be specified in separate columns and under the following heads:

“Assessment Roll of Net Proceeds of Mines.”

Contents of.

1. The name and address of the owner or lessee of the mine.
2. The description and location of the mine.
3. The number of tons of ore or other mineral products or deposits extracted and treated or sold from the mine during the period covered by the statement.
4. The gross value of the ores, mineral products or deposits, in dollars and cents, extracted and treated, or sold during the year, to be determined as provided in the preceding section.

5. The net proceeds, in dollars and cents, of such mine or mining claim during the year, to be determined as provided in the preceding section.

The form of said assessment roll shall be prescribed by the State Board of Equalization in conformity with the provisions of this Act."

Section 6. At the time of transmitting net proceeds assessments the State Board of Equalization shall also transmit the royalty lists or schedules to the County Clerk of each county in which such mines and mining claims are located and thereupon the County Clerk shall prepare from such net proceeds and royalty assessments a tax roll which shall be by him furnished to the County Treasurer on or before the twentieth day of August following, upon which date said taxes shall be due and payable. The County Clerk shall enter such assessments in the personal property assessments book under the name of the operator of such mine or mines, and such assessments when entered shall have all the force and effect as if made in the names of the owners of such royalty individually as well as against the operator. The County Treasurer shall proceed to give full notice thereof to such operator and to collect the same in manner provided by law. The operator or producer shall be liable for the payment of said taxes, and same shall be payable by, and shall be collected from, such operators in the same manner and under the same penalties as provided for the collection of taxes upon net proceeds of mines; provided, however, that after payment of such tax such operator may recover or withhold from any proceeds of royalty interest, either in kind or in money, coming into his hands, the amount of any tax paid by him upon such royalty or royalty interest.

Royalty lists to be transmitted also.

Duty of County Clerk.

Treasurer to give notice to operator.

Operator liable for taxes.

How collected.

Operator may withhold amount of tax paid.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 8. This Act shall be in full force and effect from and after its passage and approval, and shall govern the assessment and taxation of mines and mining claims, and net proceeds and royalty or royalty interests yielded in the year 1934 and thereafter.

When effective.

Approved March 16, 1935.

CHAPTER 189

An Act to Create a Milk Control Board, to Exercise Such Supervision and Control Pursuant to the Provisions of This Act, to Provide for the Manner of Selecting the Members of Said Milk Control Board and Fixing Their Compensation; to Prescribe and Define the Powers and Duties Thereof; to Provide Penalties for Violation of This Act; to Provide for Licensing and Collection of Fees and the Appropriation of the Proceeds Thereof for the Purposes of This Act, and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Public
emergency
declared.

Section 1. It is hereby declared that a public emergency exists growing out of the unhealthful, unfair, unjust, destructive and demoralizing trade practices now obtaining in the production and distribution of milk and cream in this state, which impair the dairy industry in this state and the constant supply of pure, wholesome milk to the inhabitants of the state.

Dairy
industry.

Purpose.

Section 2. The general purpose of this law is to protect and promote public welfare and to eliminate unfair and demoralizing trade practices. It is enacted in the exercise of the police powers of the state.

Definitions.

Section 3. As used in this Act, unless the context otherwise requires, "Board" means the state agency, created by this Act, to be known as the Milk Control Board.

"Board."

"Person."

"Person" means any person, firm, corporation or association.

"Producer."

"Producer" means any person who produces milk for fluid consumption within the state, selling same at wholesale to a distributor.

"Distributor."

"Distributor" means any person purchasing milk and distributing same for fluid consumption within the state. Said term, however, excludes all persons purchasing milk from a dealer licensed under this Act, for resale over the counter at retail, or for consumption on the premises.

"Producer-distributor" means any person both producing and distributing milk for fluid consumption within the state.

"Producer-distributor."

"Dealer" means any producer, distributor or producer-distributor.

"Dealer."

"Association" means any organized group of dealers, in a community or marketing area which has been constituted under regulations satisfactory to the board.

"Association."

"Market" means any city, town or community of the state, or two or more of the same designated by the board as a natural marketing area.

"Market."

"Milk" means fluid milk and cream sold for consumption as such.

"Milk."

"Consumer" means any person other than a dealer who purchases milk for fluid consumption.

"Consumer."

Section 4. There is hereby constituted a Milk Control Board to consist of the executive officer of the Livestock Sanitary Board as chairman, the Chief of the Dairy Division of the Department of Agriculture and a third member to be appointed by the Governor for a period of four (4) years, whose compensation shall be fixed by the Governor. The board shall be allowed their necessary expenses and they may employ necessary assistants and appoint agents, but all expenditure under this Act shall be paid from the receipts hereunder.

Milk Control Board.

Members of.

Expenses and employees of.

Section 5. The board shall have power to supervise, regulate and control the distribution and sale of milk for consumption within the state and in administering this Act shall have the power to conduct hearings, subpoena and examine under oath dealers with their records, books and accounts and any other person from whom information may be declared to carry out the purpose and intent of this Act and any member of the board may sign subpoenas and administer oaths to witnesses. The board may adopt, promulgate and enforce all rules and orders necessary to carry out the provisions of this Act and any member of the board or its representative shall have access to and may enter at all reasonable hours all places where milk is being produced, distributed or sold. The board may act as mediator or arbitrator to settle any controversy or issue among or between producers,

Powers of board.

To supervise sale of milk.

To conduct hearings.

To adopt rules and regulations.

To enter premises where milk is produced.

To arbitrate disputes.

dealers and consumers any of whom may petition the board in writing to change prices or conditions in any market area.

Board not to exercise powers unless called on by local association.

Section 6. The board shall not exercise its power in any market except upon written application of an association, organized under regulations satisfactory to the board, and supplying a substantial portion of the milk in that community.

Board to investigate cost of milk and prices obtained in sale of.

Section 7. The board shall investigate what are reasonable costs and charges for producing, hauling, handling, processing and/or other services performed in respect to milk, and what prices for milk in the several localities and markets of the state, and under varying conditions, will best protect the milk industry in the state and insure a sufficient quantity of pure and wholesome milk to adults and minors in the state, and be most in the public interest.

How price shall be determined.

The board shall take into consideration the balance between production and consumption of milk, the costs of production and distribution, and the purchasing power of the public.

1. The board after making such investigations, may fix by official order:

Board may fix minimum prices for milk.

(a) The minimum prices to be paid by milk dealers to producers and others for milk in its various grades and uses. The order of the board with respect to the minimum prices to be paid to producers and others shall apply to the locality or zone in which the milk is produced, the market or markets in which milk so produced is sold, and may vary in different localities or zones or markets according to varying uses and different conditions. Each order fixing prices or handling charges may classify milk by forms, classes, grades or uses as the board may deem advisable and may specify the minimum prices therefor.

Producer's price.

Wholesale or retail price.

(b) The minimum wholesale or retail prices to be charged for milk handled within the state for fluid consumption and wheresoever produced, when sold by milk dealers to consumers; by stores to consumers except for consumption on the premises where sold; by milk dealers to other milk dealers.

A minimum wholesale or retail price to be charged for milk shall not be fixed higher than is necessary to cover the costs of ordinarily efficient and economical milk dealers, including a reasonable return upon necessary investment.

Standard for minimum price.

Section 8. The board shall require all dealers in any market designated by said board to be licensed by said board. The board may decline to grant a license or may suspend or revoke a license already granted for due cause upon due notice and after hearing.

Dealers to be licensed.

Section 9. All dealers in any market designated by the board shall keep such record as the board directs. The board shall collect from each licensed dealer an annual fee not to exceed \$10.00 for each dealer subdivision as defined above. The board shall assess each distributor and/or producer-distributor One Cent (1c) per hundredweight on all fluid milk sold by said distributor and/or producer-distributor, which amount shall be collected at such time and in such manner as shall be designated by the board and said assessment shall be used only as it becomes necessary to defray the expenses of the board. Any producer selling to a distributor shall bear one-half ($\frac{1}{2}$) pro rata of said sum. All moneys received by the board shall be deposited with the State Treasurer, and all such receipts are hereby appropriated for the purpose of this Act.

Record to be kept.

License fee.

1c per hundredweight of milk sold.

Use of funds.

Section 10. No provision of this Act shall be deemed or construed to prevent or abridge the right of a cooperative corporation or association organized under the laws of the state of Montana and engaged in marketing or making collective sales of milk produced by its members, from blending the net proceeds of all its sales in various classes and paying its producers such blended price, with such deductions therefrom and/or differentials as may be authorized under contracts between such corporation and its members, or from making collective sales of the milk of its members and/or other producers represented by or marketing through it at a blended price based upon the sales thereof in the various classes and markets, or to prevent or abridge the right of any milk dealer from contracting for his milk with such cooperative association upon such basis, or to affect or im-

Cooperative associations not prohibited by this Act from doing a collective business.

pair the contracts of any such co-operative association with its members or other producers marketing their milk through such corporation, or to impair or affect any contracts which any such co-operative association has with milk dealers or others, or affect or abridge the rights and powers of any such co-operative association conferred by the laws of the State of Montana under which it is incorporated; provided, that the prices to be paid for milk marketed by or through any such corporation shall be those fixed by the order of the board.

Prices to be
fixed by board.

Penalty for
violations.

Section 11. A violation of any provision of this Act or of any rule or order of the board, including a failure to answer subpoena or to testify before the board, shall be a misdemeanor punishable by a fine not exceeding One Hundred Dollars (\$100.00), or by imprisonment not exceeding ninety (90) days, or both, and each day during which such violation shall continue shall be deemed a separate violation.

Period of
public
emergency.

Section 12. The period of public emergency above mentioned shall be until such date as the Legislature may, by joint resolution, designate to be the termination thereof, and shall effect the repeal of this Act.

Saving
clause.

Section 13. If any portion of this Act is held invalid or unconstitutional, such holding shall not affect the validity of the Act as a whole, or any part thereof which can be given effect without the part so held to be unconstitutional or invalid.

Section 14. This Act shall take effect from and after its passage and approval.

Approved March 16, 1935.

CHAPTER 190

An Act Relating to the Validity of Certain Conveyances or Transfers of Real or Personal Property to Counties, Cities, Towns or Municipal Corporations, the Consideration Therefor, and Limiting the Time Within Which Actions May be Brought Concerning the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No action shall be commenced by the state, the parties or anyone claiming under them, or by any other person, to set aside, annul or cancel any conveyance or transfer of real or personal property heretofore made to any county, city, town or municipal corporation in this state in consideration of a discharge, satisfaction, compromise or settlement of any obligation or liability owing to such grantee or transferee, or to set aside, annul or cancel any such discharge, satisfaction, compromise or settlement, on the ground that the same or either of them was unlawful, not authorized by law, or contrary to law, unless such action be commenced within four months from and after the passage and approval of this Act. In all cases where no such action is brought within said period, the validity of the conveyances, transfers, discharges, satisfactions, compromises or settlements shall never be questioned on any of said grounds.

Time limitation on actions relating to or affecting conveyances of property to counties, cities, towns or municipal corporations.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1935.

CHAPTER 191

An Act to Provide for the Recording of Subordination Agreements or Waivers in Favor of Subsequent Purchasers, Encumbrancers or Mortgagees in Case of Real Estate Mortgages and for the Filing Thereof in the Case of Chattel Mortgages.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That a subordination agreement or a waiver in favor of subsequent purchasers, encumbrancers or mortgagees as regards any real estate mortgage of record or the property therein included may be recorded in like manner as a real estate mortgage, and a subordination agreement or a waiver in favor of subsequent purchasers, encumbrancers or mortgagees as regards any chattel mortgage on file, or the personal property therein

Subordination agreement or waiver of real estate mortgage.

How recorded.

Chattel mortgage.

Valid when executed by record holder of mortgage.

described, may be filed in like manner as a chattel mortgage, and such record or such filing as the case may be, shall operate as due and legal notice to the mortgagor and the mortgagee and to all other interested persons. Any such subordination agreement or waiver shall be valid and binding so far as the mortgage therein referred to or the property covered by such mortgage is concerned, when executed by the record holder of the mortgage involved.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith be, and the same are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1935.

CHAPTER 192

An Act to Amend Section 10040 of the Revised Codes of Montana, 1921, Relating to the Proceedings on the Production of a Foreign Will; Providing for the Hearing of the Petition for the Probate Thereof Without Notice; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 10040 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Probate of foreign wills.

“Section 10040. When a copy of the will and probate thereof, duly authenticated, shall be produced by the executor, or by any other person interested in the will, with a petition for letters, the same must be filed, and the court or judge must proceed to hear said petition and that no notice of the hearing of said petition need be given.”

Hearing without notice.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1935.

CHAPTER 193

An Act to Amend Section 5 of Chapter 178 of the Laws of the Twenty-third Legislative Assembly, 1933, Relative to High School Budgets.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5 of Chapter 178 of the Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933, be, and the same hereby is amended to read as follows:

Amending clause.

“Section 5. The Board of Trustees of every district maintaining a high school and of every county high school, shall meet at the regular place of meeting of the board on the second Monday in June and consider, prepare and adopt a preliminary budget for the next ensuing school year for all high school purposes, and any taxpayer may appear at such meeting and be heard in regard to the preliminary budget. Such meeting may be continued from day to day, but not exceeding three (3) days in all for third class high school districts, or five (5) days in all for first and second class high school districts and county high schools. The total amount appropriated in Part 1 of the preliminary budget for any high school shall not exceed the total amount of estimated receipts for the general fund of such high school, as set out in the County Superintendent’s estimate of high school revenues, contained in the budget form, and the total amount appropriated in Part 1 of the preliminary budget for any high school shall not, in any event, exceed per eligible pupil enrolled and in regular attendance for forty (40) days or more, during the then current high school year in which the preliminary budget is adopted, the following maximums: (a) For a school enrolling sixty or fewer pupils the budget shall not exceed One Hundred Seventy Dollars (\$170.00) for each such pupil. For a school enrolling more than sixty (60) pupils the maximum of One Hundred Seventy Dollars (\$170.00) shall be decreased progressively at the rate of Twenty-five Cents (\$0.25) for each such additional pupil until the number enrolled shall have reached a total of one hundred sixty (160) such pupils. For a school enrolling more than one hundred sixty (160) pupils the maximum

When board shall meet to prepare preliminary budget for ensuing year.

Time limitation on meetings.

Limitations on total amount to be appropriated.

Maximum per eligible pupil.

Enrolling less than 60.

More than 60.

More than 160.

of One Hundred Forty-five Dollars (\$145.00) shall be decreased progressively at the rate of Fifteen Cents (\$0.15) for each such additional pupil until the total number enrolled shall have reached two hundred sixty (260) such pupils. For a school enrolling more than two hundred sixty (260) pupils the maximum of One Hundred Thirty Dollars (\$130.00) shall be decreased progressively at the rate of Ten Cents (\$0.10) for each such additional pupil until the total number enrolled shall have reached three hundred sixty (360) such pupils. For a school enrolling more than three hundred sixty (360) pupils the maximum of One Hundred Twenty Dollars (\$120.00) shall be decreased progressively at the rate of Five Cents (\$0.05) for such additional pupil until the total enrollment shall have reached five hundred sixty (560) such pupils. For a school enrolling more than five hundred sixty (560) pupils the maximum shall not exceed One Hundred Ten Dollars (\$110.00) for each such pupil. (b) In districts where an application to establish a high school or high schools has been approved by the State Superintendent of Public Instruction, the maximum for the first year shall be the same as that provided for under Subdivision (a) of this section; provided that nothing herein contained shall be construed as preventing any school district from voting upon itself an additional levy for high school purposes, in accordance with the general school laws pertaining to the voting of additional levies by school districts. For the purpose of ascertaining and determining the number of pupils enrolled and in regular attendance for forty (40) days or more, for all of the purposes of this Act, there shall be excluded all pupils over the age of twenty-one (21) years and all pupils who have completed four (4) years of accredited high school work prior to the beginning of the school year in which the preliminary budget is adopted.

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1935.

CHAPTER 194

An Act to Create the Montana Grazing Commission, Providing the Membership Thereof, and for the Appointment of a State Grazing Administrator; Defining the Powers and Prescribing the Duties of Said Commission, Granting Said Commission Authority to Impose Fees on Grazing Associations Organized Under the Laws of the State of Montana, to Defray the Expenses of the Said Commission Within the Limits of This Act; Providing for the Administration of This Act, the Powers and Duties of Said State Grazing Administrator, Prescribing an Annual Report; Providing for Cooperation With the United States and the Director of Grazing Under the Taylor Grazing Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Purposes.** In order to administer, regulate and improve such grazing districts as are now incorporated, or as may hereafter be incorporated, under the laws of the State of Montana, and to make such rules, regulations and establish proper services and standards therefor, enter into cooperative agreements, to insure full realization of the objects of such grazing districts, establish more uniform by-laws and regulations within and among the said various cooperative grazing associations now existing or which may be hereafter incorporated, and in order to effect full cooperation with the Director of Grazing under the Taylor Grazing Act, to work out the economic use of the grazing areas of the State of Montana, to establish uniform rules and regulations for the issuance of grazing permits by cooperative grazing associations to the most commensurate and most dependent members, residents, users, and/or livestock operators within any such areas, such utilization, however, to be so conducted as to maintain maximum, continuous production consistent with such use, to provide when and where necessary, for restoration of said natural forage resources, and do any and all things necessary to accomplish a sound administration of grazing areas in Montana, this Act is adopted.

Purposes
of Act.

Section 2. There is hereby created the Montana Grazing Commission of the State of Montana hereafter called the "Commission." The Montana Grazing Commission

Montana
Grazing
Commission
created.

Five members. shall consist of a board of five (5) members who shall be appointed by the Governor as provided in this Act. The Governor shall select one (1) member from the Montana Wool Growers' Association; and one (1) member from the Montana Livestock Growers' Association; and one (1) member from the Board of County Commissioners' Association; and one (1) member from the Incorporated Grazing Association, under the laws of the State of Montana and one (1) member as a representative of the Director of Grazing under the Taylor Grazing Act (Public No. 482 U. S. Congress approved June 28, 1934).

Groups to be represented in membership.

Terms of office. Three (3) of such members so appointed by the Governor, shall serve for a term of one (1) year and two (2) of such members so appointed by the Governor, shall serve for a term of two (2) years and upon the expiration of said respective terms, all members thereafter shall be appointed under this Act, the length of their respective terms of office shall be determined by lot.

Vacancies, how filled. In the event of a vacancy or vacancies upon the commission, the Governor shall within sixty (60) days fill such vacancy from the group from which said vacancy shall occur.

When meetings shall be held and where. The commission shall hold a regular meeting at Helena, at least once in each quarter period of the year, and such other meetings at any point in Montana as may be required in the conduct of the business of the commission, or as may be proper in the administration of this Act and related Acts.

State Grazing Administrator to be appointed. Section 3. The commission at its first meeting shall nominate three (3) persons, citizens of the State of Montana, for submission to the Governor, who shall from the list of such nominees appoint one who shall act as the State Grazing Administrator for the State of Montana. Such administrator shall hold office for a term of one year. Upon the expiration of his term of office his successor shall be nominated and appointed in like manner.

Term.

Powers and duties of commission. Section 4. **Powers and Duties of Commission.** The commission shall make provision for the protection, administration, regulation and improvement of such grazing districts as may now exist under and by virtue of

Chapter 66 of the Session Laws of Montana, 1933, as amended, and as may hereafter be created under and by virtue of any similar laws in the State of Montana. It shall make such rules and regulations and establish such service, enter into such cooperative agreements and do any and all things necessary to insure the objects and purposes of such grazing districts, namely to regulate and coordinate the regulations and by-laws of all districts formed under the state law as to the occupancy and use thereof, to preserve the land and its resources from destruction and unnecessary injury, and generally to provide for the orderly use, improvement and development of the range, and provide for stock passes and drives as may be necessary and proper over, across and through said districts.

To assist grazing districts.

To make rules and regulations.

To preserve land and its resources.

To improve the range.

Section 5. The members of the commission shall be allowed their actual expenses and Ten Dollars (\$10.00) per diem for and while attending meetings, such expenses to be audited, allowed and paid as in the case of other expenditures of said commission.

Compensation and expenses.

Section 6. The commission shall have power to fix the salary of the State Grazing Administrator appointed by the Governor, as above prescribed, and to appoint such other agents and employees, and incur such expenses as may be necessary for the proper conduct of the business of the commission. The State Grazing Commission shall have authority and right to impose such fees against the several grazing associations of the State of Montana and in an amount not in excess of Five Cents (5c) per head per "Cow Unit" and One Cent (1c) per head for mature sheep, five (5) mature sheep being considered a "Cow Unit", to defray any and all expenses created by the State Grazing Commission, and said State Grazing Commission shall from such fees and collections repay to the State Treasurer of Montana any and all appropriations provided by the State of Montana for the establishment of this commission and the administration of this Act when so collected. When such appropriation by the State of Montana is repaid, the balance of such funds shall be held in the state grazing fund, hereinafter created, to be expended by order and direction of the State Grazing Commission for the further administration of the commission, and thereafter said commission shall be main-

Salary of Grazing Administrator to be fixed by commission.

Fees levied against grazing associations.

Purpose to defray cost of commission.

Disposition of funds.

tained by funds obtained from the livestock fees hereinbefore provided.

Power and
duties of
Grazing
Administrator.

Section 7. Powers and Duties of Administrator. The State Grazing Administrator shall be the executive officer of the commission and shall be controlled and directed by the rules and regulations established by the commission from time to time and applicable to him.

Commission
to audit ex-
penses and
certify them
to Board of
Examiners.

Section 8. It shall be the duty of the commission to audit all bills for expenses incurred by it or the administrator in the discharge of the duties of the commission, and when found correct to certify the same to the Board of Examiners of the State of Montana, and when the same are approved by said board, it shall transmit such claims to the State Auditor, who shall thereupon draw a warrant upon the State Treasurer in favor of the party or parties entitled thereto for the amounts so certified and approved, which warrants shall be drawn upon and paid out of the state grazing fund. Said state grazing fund is hereby created and shall consist of the fees paid to said commission therefor and other funds hereafter or heretofore appropriated for said commission and placed to the credit of said fund.

Payment of
expense claims.

State grazing
fund created.

Annual report
to Governor.

Section 9. Annual Report. The commission must make an annual report, in writing, to the Governor, on the first day of January, of all its transactions for the preceding year.

Commission
to be appellate
board in
disputes.

Section 10. Powers and Duties of the Commission. The commission shall be and act as the official and final appellate board in all cases of appeal to it (a) between a member or members of a cooperative grazing association and such association and (b) between grazing associations in the State of Montana.

Division fences
and barriers,

In addition to the powers of the commission hereinbefore enumerated, the commission shall have power and authority to settle, adjust and approve mutual agreements between grazing associations and owners or users within or adjoining grazing districts, to determine and agree upon an acceptable division fence or barrier, which may be separately or jointly constructed and maintained, such fence as may be agreed upon to be as binding as any other fence prescribed by law. In the event the kind

of fence or barrier cannot be agreed upon, then the commission shall have authority and it is hereby empowered to determine the kind of barrier or fence required or what acts or encroachments of stock shall constitute trespass within the grazing district.

Power of
commission
concerning.

Section 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1935.

CHAPTER 195

An Act to Provide for the Incorporation of Grazing District Associations to Share in the Conservation, Restoration, Improvement and the Use of Forage Resources in the State of Montana; to Authorize Such Associations to Lease, Purchase or Otherwise Acquire County or Other Lands for Grazing Purposes and to Provide for the Management and the Use of Such Lands Which Will Best Conserve, Restore, and Improve the Forage Value Thereof; Providing for the Approval of By-laws of Such Corporations, Either Heretofore Existing or Hereafter Formed by the Montana Grazing Commission, Making Such Montana Grazing Commission the Supervisory Authority Over Cooperative Grazing Districts in Montana; Providing for the Fixing of Fees for the Administration of Such District and for the Administration of Grazing Districts Under Such Associations and Said Montana Grazing Commission, and to Amend Chapter 66, Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933.

Be it enacted by the Legislative Assembly of the State of Montana:

Chapter 66, Laws of the Twenty-third Legislative Assembly of the State of Montana shall be, and the same is, hereby amended to read as follows:

Amending
clause.

Section 1. **Articles of Incorporation.** Whenever three or more qualified persons shall desire to incorporate a cooperative grazing district having for its object the

Cooperative
grazing dis-
trict, incorpo-
ration of.

Articles to
be filed with
Secretary
of State.

What articles
shall include.

utilization, conservation, restoration and improvement of forage resources on their lands or upon lands to be acquired by such association by purchase or lease, they shall prepare and file articles of incorporation to that effect in the office of the Secretary of State in the manner in this Act specified. Such articles shall be signed, sealed and acknowledged in the form now provided by the statutes of this state for the conveyance of real estate, and shall include the following:

(1) The name of the association.

(2) The purpose for which it is formed.

(3) The county or counties in which such district is located and the principal office or place of business of the association in the state.

(4) The membership fee for each member of the association which shall in no case be greater than Five Dollars (\$5.00).

(5) The term for which such association is incorporated which shall not exceed forty (40) years.

(6) The names and residences of the persons who subscribe to and acknowledge such articles of incorporation, together with legal description of the lands owned or leased by each incorporator.

(7) Names and residences of those who have subscribed for membership, with a description of the lands owned or leased by each.

Form for
articles of
incorporation.

(8) The articles of incorporation shall hereafter be in substantially the following form:

ARTICLES OF INCORPORATION

1. The name of this association shall be:

“.....Cooperative Grazing Association.”

2. This is a cooperative organization without capital stock and is not operated for profit. The purpose for which it is formed is to make possible the acquisition, control, conservation and beneficial use by its members of certain grazing lands lying in.....County or.....Counties, Montana,

to the end that the members of the association may stabilize their farming and ranching operations.

3. The.....Cooperative Grazing District shall be situated wholly within the boundaries of County, within the boundaries of Counties, Montana, and the office of the association shall be located in.....County, Montana.

Form for
articles of
incorporation.

4. The membership fee of this association shall be Five Dollars (\$5.00) per member.

5. This association shall have a corporate life of forty (40) years.

6. The individuals who subscribe to membership and acknowledge these articles of incorporation, together with their respective residences and the legal description of their lands, is as follows:

Name	Address	Description of Land (Either Owned or Leased)
.....		
.....		
.....		

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals this.....day of....., 19.....

Signed, Sealed and Delivered in
the Presence of

.....
.....
.....

County of }
STATE OF MONTANA } ss.

On this.....day of....., 19....., before me,.....a Notary Public for the State of Montana, personally appeared.....and.....known to me personally to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

.....
Notary Public for the State of Montana

My Commission expires

Residing at

Powers of
association.

Section 2. **Powers.** Each association organized under this Act shall have the following powers:

To acquire
land.

(1) To lease or acquire, by purchase or otherwise, lands for grazing purposes or for raising forage crops and to dispose of such lands by trade, sale or otherwise.

To acquire
or construct
fences, reser-
voirs, etc.

(2) To construct or acquire fences, reservoirs, or other facilities for the care of livestock.

To lease
county lands.

(3) To lease from the county or counties in which the cooperative grazing district is located, land acquired by such county or counties through tax sale or otherwise, which is located in or contiguous thereto and not already under lease.

To apportion
grazing rights.

(4) To apportion to members grazing rights within such district on such terms, conditions and limitations as may be specified by the directors thereof, or in accordance with the terms and limitations imposed for the purpose of conservation, restoration and improvement of forage resources in the leasing of county, state or Federal land.

To issue
permits for
grazing.

(5) To issue or cause to be issued permits to graze livestock on such grazing districts to association members, bona fide residents, lessees of lands, and other stock owners, having, in each case commensurate lands, pursuant to the by-law and rules and regulations of the association, approved by the Montana Grazing Commission. Such permittees shall be entitled to participate in the use of the range upon the payment, annually, of reasonable fees in each case to be fixed or determined from time to time by the directors of the association, provided that grazing permits shall be issued only to residents of the State of Montana and to individuals, associations or corporations authorized to conduct business under the laws of the State of Montana and actually engaged in

Fees for use
of range.

Who may
receive permits.

the raising of livestock. Preference shall be given in the issuance of grazing permits to those within or near a district who are members of the association or land owners or lessees engaged in the livestock business within or near said grazing district. The commensurability of such members or applicants shall be the basis of issuing permits for the proper use of lands owned, occupied or leased by them. Such permits shall be for a period of not more than ten (10) years, subject to the preference right of the permittee to renewal.

Preferences.

10 year limit
of permits.

Section 3. Members. Any person, partnership, association, corporation or legally authorized agent of either thereof owning or leasing forage producing land within or near the proposed boundaries of any cooperative grazing district set up by any association incorporated under this Act, shall be entitled to become a member of such association by paying the membership fee and by subscribing to the by-laws and by complying with the regulations fixed by the grazing district as approved by the Montana Grazing Commission. When any member shall dispose of the lands owned or leased by him within or near the cooperative grazing district so that he is no longer the owner of such lands or leases commensurate with his permit, then such person shall cease to be a member of such association and his rights and interests in the association shall thereupon pass to the purchaser thereof. When any member shall dispose of a part of the lands or leases owned by him so that another shall become the owner of such lands or leases and acquire right to membership, then the rights and interests involved shall be determined by the Board of Directors of the association based upon the commensurability of the lands or leases in such new relationship.

Qualifications
for membership.

Effect of
disposing
of land by
member.

Section 4. By-laws. Each association incorporated under this Act shall within thirty (30) days after its incorporation adopt a code of by-laws by a majority vote of its members for its government and management, not inconsistent with the powers granted under this Act, and before such code of by-laws becomes effective it must be submitted to and be approved by the Montana Grazing Commission, in order that so far as possible there may be uniformity in the regulations and by-laws of all co-

Adoption of
by-laws.

Approval by
Grazing
Commission
necessary.

operative grazing associations now existing or hereafter formed under the laws of the state.

Associations incorporated under Chapter 66, Laws of 1933, to amend by-laws within 30 days.

Approval by commission necessary.

What the by-laws shall provide for.

Each association incorporated under the provisions of Chapter 66 of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933, shall within thirty (30) days after the passage and approval of this Act, by a majority vote of its members, amend its existing by-laws so far as may be necessary to conform with the provisions of this Act, not inconsistent with the powers granted under this Act, which said amended by-laws shall, before becoming effective, be submitted to and be approved by the Montana Grazing Commission. Such by-laws shall provide for:

(1) The time, place and manner of calling and noticing meetings of the association and of its Board of Directors.

(2) The number of members constituting a quorum at any meetings.

(3) The number of directors of the association, their tenure of office, and the time and manner of their election; the officers of the corporation, their tenure of office, the manner of their election and their duties.

(4) Suspensions of rights, loss of privileges and grazing permits for violation of such by-laws, or of any regulation, limitation or restriction imposed for the conservation of forage within the district.

(5) The manner of filling vacancies in the Board of Directors or of any office.

Powers of directors.

Section 5. **Directors, Powers and Duties.**

(1) The directors shall possess the full corporate power of the association as authorized in this Act.

To make regulations for associations.

(2) The directors shall make regulations for the management and control of the affairs of the association and of the manner of utilization of grazing and range development within their respective districts. Such regulations before becoming effective, shall be submitted to and be approved by the Montana Grazing Commission.

Approval of regulations necessary.

To apportion grazing rights.

(3) The directors shall apportion grazing rights within their districts to members on a commensurate

basis as may be defined by the by-laws and regulations of the associations.

(4) To grant to non-members grazing permits within such districts when the amount of forage within the district is greater than the need of the members.

To grant permits to non-members.

(5) To determine grazing fees to be imposed on members or non-members on a per-head basis for grazing rights or to determine assessments on members on a per-head grazing basis for the purchase of lands situated within, contiguous to or adjacent to such districts.

To determine fees.

(6) On behalf of the association, to enter into leases with persons, corporations, partnerships or with the county or counties in which the district is located or with the State or the Federal Government for tracts of land within, contiguous to or adjacent to such districts.

To enter into leases for land.

(7) To specify the breed, quality and number of male breeding animals which each member must furnish when stock are grazed in a common pasture within the grazing district.

To specify as to male breeding animals.

Section 6. **Filing Map of District.** Cooperative grazing associations organized under this Act shall, upon completion of organization and incorporation, file with the County Clerk of the county or counties in which such lands lie, a map or plat of the grazing district proposed to be created. If such district shall contain land situated in more than one county, then a map or plat of such grazing district shall be filed with the County Clerk of each county in which such lands lie. Whenever any incorporated grazing association shall enlarge or reduce the area included within its district, or change or modify its boundaries, it shall file with the County Clerk or Clerks, a map or plat to indicate such changed boundaries.

Map of district to be filed with County Clerk.

When in more than one county.

Reductions or increases in area to be filed.

Section 7. **Leasing and/or Purchase of Lands.** Any incorporated grazing association may purchase or lease any and all lands owned by the United States, the State of Montana, any county, corporation or individual on such terms as may be lawfully negotiated in each case.

Power to purchase and lease land.

In negotiating the terms of any lease with a cooperative grazing district, County Commissioners may provide for a variable scale of rental charges, based on market prices for livestock and/or livestock products, or on the

County Commissioners may provide a variable scale of rental charges for lease of county land.

number and character of stock to be grazed in said district.

Reserves.

Section 8. **Reserves.** The association, after paying all costs, lease rentals, or other expenses, may set up such reserve for contingencies as in its judgment is advisable.

Distribution and apportionment of interests on dissolution.

Section 9. **Distribution of Interests Upon Dissolution.** Whenever any cooperative grazing district is dissolved by act of its Board of Directors or otherwise, in accordance with the general law relative to dissolution of corporations, then the rights and interests therein shall be distributed among the members in proportion to the amounts paid in by the various members as assessments, as nearly as the Board of Directors may determine.

Amendment of by-laws.

Section 10. **Amendments.** By-laws may be altered or amended at any meeting of the members, legally called, and noticed, by a two-thirds vote of the members present, but such by-laws so altered or amended must before becoming effective be submitted to and be approved by the Montana Grazing Commission.

Approval of Grazing Commission necessary.

Disputes to be appealed to Montana Grazing Commission.

Section 11. **Appeals.** In the event of dispute between a member of an association and the association itself, or between two or more associations, appeal may be made to the Montana Grazing Commission, as in this Act provided. The record in the case may be prepared pursuant to stipulation of the parties, or, if they fail to agree thereon, the record may be settled by the Montana Grazing Commission.

Appeal from rulings of commission to district court.

Section 12. **Appeal to Courts.** The action of the Montana Grazing Commission in such appeals shall be final, save and except that an interested party may seek review of the action of the Montana Grazing Commission in a district court of the county where the dispute or controversy arose within thirty (30) days after such decision of the Montana Grazing Commission, and trial of the issue in such court may be had on the record made before the Montana Grazing Commission or de novo. The district court may affirm, reverse or nullify the decision of the Montana Grazing Commission. Appeals may be prosecuted from the judgment of the district court to the Supreme Court of Montana as in other cases.

Appeal to Supreme Court.

Section 13. **Saving Clause.** Chapter 66, Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933, shall be, and the same is hereby amended, save and except that as to any grazing districts organized under and pursuant to such Act, this amendment shall not affect, impair or destroy any of the rights and powers by such association pursuant to the provisions of said Chapter 66, and such associations so organized shall continue and be in full force and effect, subject, however, to the terms and conditions of this Act. Saving clause.

Section 14. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1935.

CHAPTER 196

An Act to Provide for a Farm Laborers' Lien and to Provide for the Filing and Foreclosure of Said Liens and the Filing of Satisfaction Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Who May Have.** Any person who performs services for another in the capacity of a farm or ranch laborer shall have a lien on all crops of every kind grown, raised or harvested by the person for whom the services were performed during said time, as security for the payment of any wages due or owing to such persons for services so performed, and said lien shall have priority over all other liens, chattel mortgages or incumbrances excepting, however, feed sufficient for three (3) months for one horse, two (2) cows and their calves, four (4) hogs and fifty (50) domestic fowls, seed grain and threshers' liens; provided, that the wages for which a lien may be claimed shall not be in excess of One Hundred Dollars (\$100.00), nor for a period of time exceeding sixty (60) days next preceding the date of filing the said lien; provided further, that in case any such person without cause quits his employment before the expiration of the time for which he is employed, then he shall not be entitled to a lien as herein provided. Farm laborer's lien.

Priority of.

Wages for which lien is claimed not to exceed \$100 nor for a period of time exceeding 60 days.

Procedure for
acquiring lien.

Section 2. How Lien Obtained. In order to acquire a lien, as specified in the preceding section, the person performing such services shall within thirty (30) days after the services are fully performed file in the office of the Clerk and Recorder in the county in which any of the real estate is situated on which any crop is grown, upon which a lien is claimed, a statement verified by affidavit of the person claiming such lien or his duly authorized agent or attorney having knowledge of the facts, setting forth the terms of employment, the name of the employer, the time when the services were commenced and when ended, the wages agreed upon, if any, and if not agreed upon then the reasonable value of the same, the terms of payment, if any, and a description of the real estate on which any crop is grown, or has been grown, or harvested, on which a lien is claimed, the amount paid him, if any, and the amount remaining unpaid, and that said laborer claims a lien for the same and the address to which notice shall be directed as hereinafter required by Section 5 of this Act.

Statement
verified by
affidavit.

Contents of
statement.

County Clerk
to file.

Section 3. The Duty of Clerk and Recorder. It shall be the duty of the Clerk and Recorder to file and enter said verified statement, and he shall be entitled to a fee of Fifty (.50) Cents for filing the same.

Fee for.

No priority
among farm
labor lien
holders.

Section 4. No Priority Among Lien Holders. If several persons have or obtain liens under the provisions of this Act against property of the same employer, they shall have no priority among themselves but all must be paid pro rata from the proceeds of any foreclosure sale according to the provisions of the following sections.

Notice of
intention to
foreclose.

Section 5. Notice to Other Lien Holders. Every person intending to foreclose a lien secured under the provisions of this Act, must give a written notice to the owner, or the person against whom the lien is claimed, and all chattel mortgagees, encumbrancers, and all other lien holders who appear on record in the office of the County Clerk and Recorder that in not less than ten days from the date of said lien notice he will institute proceedings for the foreclosure of his lien, and all other labor lien holders to whom notice is given shall have the right to join in said foreclosure proceedings and be entitled to a pro rata share of the proceeds of the fore-

Other lien
holders may
join in pro-
ceedings.

closure sale, as hereinafter provided for; provided however, if the notified labor lien holders do not join in said proceedings, they shall not be entitled to share pro rata in the proceeds of said sale as aforesaid.

Effect of failure to join.

The lien notice required herein must be given by registered mail and directed to the last known address of the owner, or the person against whom the lien is claimed, and to the addresses of the chattel mortgagees, encumbrancers, and all other lien holders as their addresses appear of record. The return of the foreclosure sale must be accompanied by due proof of the giving of such notice as required to be given herein.

Notice to be given by registered mail.

Section 6. Except as otherwise provided in this Act, the provisions of the Code of Civil Procedure are applicable to and constitute the rules of practice in the proceedings mentioned in this Act.

General law applicable when.

Rules of practice.

Section 7. The provisions of the Code of Civil Procedure relative to new trials and appeals, except insofar as they are inconsistent with the provisions of this Act, apply to the proceedings mentioned in this Act.

New trials and appeals.

Section 8. All persons interested in the matter in controversy, or in property charged with the lien, or having liens thereon may be made parties.

Parties.

Section 9. In an action to foreclose a lien under this Act the court must allow as costs the money paid for filing the lien, and reasonable attorney fees in the district court and Supreme Court, and such costs and attorney fees must be allowed to each claimant whose lien is established and such reasonable attorney fees must be allowed to the defendant against whose property a lien is filed, if such lien be not established.

Costs and attorney's fees allowed when.

Section 10. **Limitations of Actions to Foreclose Liens.** All actions for the foreclosure and enforcement of the lien herein provided for must be commenced within ninety (90) days from the filing of the lien.

Actions to foreclose must be brought 90 days from the filing of lien.

Section 11. **Acknowledgment of Satisfaction of Lien—Penalty.** Whenever the indebtedness which is a lien upon any of such crops is paid and satisfied, it is the duty of the lienor to acknowledge satisfaction thereof as in case of a chattel mortgage, and to discharge the said

Duty of lienor to acknowledge satisfaction of lien upon payment.

Liability
upon failure.

lien of record; and if any lienor fails to acknowledge satisfaction and discharge said lien as aforesaid he is liable to any person injured thereby in the amount of such injury and costs of action.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1935.

CHAPTER 197

An Act Declaring Illegal, Void and Unenforceable Any Provision Empowering Entry of Judgment by Confession, or Creating an Agency to Either Confess Judgment, Accept Service of Process or Entry of Default in Any Proceeding in Court, When Such Provision is Contained in a Contract in Writing by Which Any Promise to Pay Money is Created.

Be it enacted by the Legislative Assembly of the State of Montana:

Contracts not
to contain pro-
visions con-
fessing judg-
ment, accepting
service of
process, etc.

Section 1. No contract in writing by which any promise to pay money is created, shall contain any provision either (a) empowering any person to enter judgment by confession against any party to the contract, or (b) empowering any person as the agent of any party to the contract to either confess judgment, accept service of process or consent on behalf of such party to the entry of his default in any proceeding in court upon such contract. The term "Contract" as herein used shall include all writings executed contemporaneously with and constituting a part of the same transaction, and whether such writings be negotiable or non-negotiable in form. Every such provision in any such contract shall be illegal and void and shall be unenforceable in the courts of this state against any party to such contract.

"Contract"
defined.

Such provi-
sions illegal
and void.

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Effective
December
31, 1935.

Section 3. This Act shall be in full force and effect from and after December 31, 1935.

Approved March 18, 1935.

CHAPTER 198

An Act to Amend Sections 1493 to 1497, Inclusive, of the Revised Codes of Montana of 1921, Relating to the Furnishing of Free Higher Education to Certain Inmates of the State Orphans' Home, the State Industrial School and the State Vocational School for Girls.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1493 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 1493. Any inmate of the Montana State Orphans' Home, the State Industrial School, or the State Vocational School for Girls, who, shall have completed the course of study of any of said institutions and shall have shown evidence of studious and industrious habits, shall be entitled upon the recommendation of the superintendent and local executive board of any of said institutions, to receive free education at the expense of the state for a period not to exceed four (4) years, at any unit of the University of Montana, and shall likewise be entitled to receive at the expense of the state the necessary high school or other training, if any be needed, to enable such student to enter any of the institutions of higher learning herein mentioned."

Inmates of certain state institutions to receive college education free when.

Section 2. That Section 1494 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 1494. Each of the respective institutions enumerated in Section 1493 of this Code shall bear the expense of the education herein provided for and all bills for the same shall be presented and paid in the same manner as are other expenses incurred by said institutions. The expenses which shall be paid for each student shall consist of the actual necessary cost of transportation, board and room, clothing, books and stationery, and shall not exceed in all the sum of Four Hundred Dollars (\$400.00) per year for each student. No fee, tuition or other charge shall be made any such student by any of the state educational institutions enumerated in Section 1 of this Act."

State institution sending student to pay for.

Expense of education.

University not to charge any fee or other charge.

Amending
clause.

Section 3. That Section 1495 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Local board to
keep a record
of habits and
scholarship
of inmates.

"Section 1495. It shall be the duty of the local executive board of each of the respective institutions enumerated in Section 1493 of this Code to keep a record of the habits and scholarship of all inmates of said institutions, and said boards shall annually on or before the first day of August of each year, certify to the State Board of Education the names of all inmates of said institutions designated by the board as eligible to the free education provided for in this Act. Not more than two (2) persons per year from each of the institutions enumerated in Section 1493 of this Code shall be designated as eligible to the benefits of this Act. Said local executive board shall fairly and impartially select from their respective institutions the two (2) inmates thereof, chosen by the superintendent and local executive board as eligible to the free education provided for by this Act."

To certify
persons eli-
gible.

Not more than
2 per year
from each
institution
eligible.

Amending
clause.

Section 4. That Section 1496 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Local board
to select edu-
cational insti-
tution to which
each student
shall be sent.

"Section 1496. The local executive board of the several institutions designated in Section 1493 of this Code, shall designate the educational institution to which each student shall be sent, including the designation of the high school or other preparatory school; provided, however, that in all cases persons eligible to the benefits of this Act must first complete the course of study given in the institution to which they have been committed and must, so far as possible, fit themselves, while at said institutions for the higher education herein provided for."

Amending
clause.

Section 5. That Section 1497 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Any inmate at-
tending school
under this Act
to be under
supervision of
local board.

"Section 1497. Any inmate of the several institutions mentioned in Section 1493 of this Code, while attending high school, college, or any other educational institution mentioned in this Act, shall remain subject to the control of the executive board of the institution to which

such person was committed and said board shall have the authority to discontinue the free education of any such student for violation of any of the regulations of such institution or whenever, in the judgment of said board, the character, habits, or scholarship of said students are such that he or she no longer merits the benefits of this Act."

When education may be discontinued.

Section 6. This Act shall take effect from and after its passage and approval.

Approved March 18, 1935.

CHAPTER 199

An Act Defining Certain Acts in the Handling of the Finances of Mining and Oil Companies Operating Within the State of Montana as Fraudulent; Providing for the Prosecution of Said Fraudulent Acts, and Fixing Penalties Upon the Conviction Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purposes of this Act, the following acts and offenses relative to the handling of the finances of mine and oil operations within the State of Montana shall be deemed fraudulent:

Acts and offenses deemed fraudulent.

(a) Failure to expend at least seventy-five per centum (75%) of all money raised from the sale of stock or securities of any other kind or character, from the public in the actual operation and development of the oil and mining property, or in the construction of treating plants, or bona fide payments on the purchase price of state property.

Failure to spend 75% of all money raised upon property.

(b) Failure to apply net earnings from said operations, after deducting only reasonable and legitimate expenses, to either a reserve fund, distribution of dividends, liquidation of bona fide indebtedness or reasonable development of said properties.

Failure to spend earnings for the benefit of stockholders.

(c) The operation of holding companies in such a manner as to deprive the stockholders of the parent company of an equitable interest in the earnings of the parent company.

Operation of holding companies so as to deprive stockholders of earnings.

Act applicable
to whom.

Section 2. The provisions of this Act shall apply to any person, corporation or other form of association now operating, or which shall hereafter operate a mining or oil enterprise, the finances of which are derived in whole or in part from subscription and security sales from the public, and operating within the State of Montana. Provided that the provisions of this Act shall not apply to any person, firm, corporation or cooperative association holding a permit in good standing from the State Investment Department, or securities listed on the New York Stock Exchange, Boston Stock Exchange, the Board of Trade of the City of Chicago, the Chicago Stock Exchange or the New York Curb Exchange.

Complaint by
stockholders
or creditors.

Section 3. Any stockholder or creditor of a mining or oil company as heretofore provided in this Act who has bona fide reason to believe that the provisions of this Act have been violated may complain relative thereto to the Attorney General of the State of Montana, the County Attorney of the county in which the property is located, or the State Investment Commissioner, and it shall be incumbent upon the officers heretofore mentioned to make a complete investigation of the records and affairs of said corporation or corporations, and in the event that the facts disclose the violation of the provisions of this Act it shall be the duty of the officer to prefer charges against the officers and directors of the corporation or corporations involved.

To whom
made.

Duty of officers to investigate and bring charges when proper.

Penalty for
violations.

Section 4. Any person or the officers or directors of any corporation, cooperative association or any other association of any kind or character found guilty of the violation of the provisions of this Act shall be subject to imprisonment in the State Prison for a term of not less than ninety (90) days or more than three (3) years or by a fine of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00) or both such fine and imprisonment.

Repealing
clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act is hereby declared an emergency Act and shall be in full force and effect from and after its passage and approval.

Approved March 18, 1935.

CHAPTER 200

An Act to Amend Section 3653, Revised Codes of Montana, 1921, Relating to the Powers and Duties of the State Fish and Game Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3653, Revised Codes of Montana, 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, and as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 3653. **Powers and Duties of Commission.** The commission hereby created shall have supervision over all the wild life, fish, game, and non-game birds, and waterfowl, and the game, and fur-bearing animals of the state, and shall possess all powers necessary to fulfill the duties prescribed by law with respect thereto, and to bring actions in the proper courts of this state for the enforcement of the fish and game laws of the state, and the orders, rules and regulations adopted and promulgated by the commission. It shall have full power and authority to enforce all the laws of the State of Montana, respecting the protection, preservation and propagation of fish, game, and fur-bearing animals, game and non-game birds, within the state. It shall have the exclusive power to expend for the protection, preservation and propagation of fish, game, and fur-bearing animals, and game and non-game birds, all funds of the State of Montana collected or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise, all sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected for violations of the fish and game laws of this state, from appropriations, or received by the commission from any other sources are hereby appropriated to and placed under control of the Montana Fish and Game Commission. It shall have power to discharge any appointee or employee of such commission for cause at any time. It shall have full power and authority to dispose of all property owned by the State of Montana, used

Powers and duties of State Fish and Game Commission.

To supervise all wild life.

To bring actions to enforce game laws.

To enforce all game laws and regulations.

To expend money for the protection, preservation and propagation of wild life.

To discharge employees.

To dispose of property.

for the protection, preservation and propagation of fish, game and fur-bearing animals, and game and non-game birds, which shall have been found to be of no further value or use to the state, and shall turn over proceeds arising therefrom to the State Treasurer to be by him credited to the state fish and game fund. It shall have full power and authority to use so much of the fish and game funds of the state as may be necessary for the construction, maintenance, operation, upkeep, and repair of fish hatcheries, game farms, or other property or means and appliances for the protection and propagation of fish, game and fur-bearing animals, or game or non-game birds in the State of Montana, and it shall have the authority to appropriate moneys from the funds at its disposal for the extermination or eradication of predatory animals that destroy fish, game, or fur-bearing animals, or game or non-game birds. It shall have authority to provide for the importation of game birds and game and fur-bearing animals, and for the protection, propagation, and distribution of such imported or native birds and animals. It shall have authority to spend so much of the state fish and game funds as may be necessary to introduce and propagate wild waterfowl food and for that purpose may secure expert advice as to what kinds of waterfowl foods are adapted to the climate, soil, and waters of this state. It shall be its duty to furnish plans for, and to direct and compel the construction and installation and repair of fish ladders upon dams and other obstructions in streams, which, however, shall be installed and maintained at the expense of the owners of said dam or other obstruction. It shall have the authority to purchase and maintain at the expense of the state fish and game fund suitable fish screens or fish wheels, or other devices, to install them in irrigating ditches to prevent fish entering said ditches. It shall have authority to locate, lay out, construct and maintain nurseries and rearing ponds where fry can be planted, propagated and reared, and when of suitable sizes, liberated and distributed in the waters of this state, and may expend from the state fish and game funds such sums as may be necessary for this purpose. It shall have authority to acquire by gift, purchase, capture, or otherwise, any fish, game, game birds, or animals, for propagation, experimental or scientific purposes. It shall have authority to

To use fish and game funds for fish hatcheries, game farms, etc.

To spend money to destroy predatory animals.

To provide for the importation of game birds and animals.

To spend money for wild waterfowl food propagation.

To supervise fish ladders, etc.

Paid for by owners of dams, etc.

To purchase fish screens for irrigating ditches.

To construct rearing ponds and pay for same.

To acquire wild life for propagation or scientific purposes.

acquire by purchase, condemnation, lease, agreement, gift, or devise, lands or waters suitable for the purposes hereinafter enumerated, and develop, operate and maintain the same for said purposes: (a) For fish hatcheries, nursery ponds, or game farms; (b) Lands or waters suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection; (c) For public hunting, fishing, or trapping areas to provide places where the public may hunt, trap, or fish in accordance with the provisions of law or the regulations of the commission; (d) To extend and consolidate by exchange lands or waters suitable for the above purposes; (e) To capture, propagate, transport, buy, sell, or exchange any species of game, bird, fish, fish eggs, or fur-bearing animals needed for propagation or stocking purposes, or to exercise control measures of undesirable species. It shall have authority to enter into cooperative agreements with educational institutions and state, Federal, or other agencies, to promote wild-life research and to train men for wild-life management. It shall have authority to enter into cooperative agreements with Federal agencies, municipalities, corporations, organized groups of land-owners, associations and individuals for the development of game, bird, fish, or fur-bearing animal management and demonstration projects. It shall have authority to fix seasons and bag limits, or shorten or close seasons on any species of game, bird, fish, or fur-bearing animal, in any specified locality or localities or the entire state, when it shall find, after said investigation, that such action is necessary to assure the maintenance of an adequate supply thereof. The statutes now governing such subjects shall continue in full force and effect, except as altered or modified by rules and regulations promulgated by the commission. It shall have authority to establish and close to hunting, trapping or fishing, game, bird or fish refuges on public lands and, with the consent of the owner, on private lands; and close streams and lakes, or parts thereof, to hunting, trapping, or fishing. It shall have authority to divide the state into fish and game districts, and to create fish, game, or fur-bearing animal districts throughout the State of Montana and to declare closed season for hunting, fishing, or trapping in any of said districts, so created, and later to open said districts to hunting, fishing, or trapping. It shall

To acquire lands or waters for the following purposes:

(a) hatcheries.

(b) propagation or protection.

(c) public hunting or fishing areas.

(d) exchange for suitable places.

(e) capture or acquire wild life for propagation, etc.

To promote wild life research.

To cooperate with other agencies to develop fish and game projects.

To fix seasons and bag limits.

Statutes to be in force unless modified by commission.

To close lands or waters from hunting or fishing.

To divide the state into fish and game districts.

To open and close season on wild life.

To establish game refuges. How established. To protect certain areas as resting or feeding places for migratory birds. Petition for game refuge. Notice of hearing on petition. Publication of time for. To establish educational and biological departments.	have authority to declare a closed season on any species of game, fish, or game birds, or fur-bearing animals threatened with undue depletion, from any cause, and to close any area or district or any stream, public lake, or public water, or portions thereof, to hunting, trapping, or fishing, for limited periods of time, when such action is necessary to protect recently stocked area, district, water, spawning waters, spawn-taking waters, or spawn-taking stations, or to prevent the undue depletion of fish, game and fur-bearing animals, and game and non-game birds, and later to open the same upon consent of a majority of the property owners affected. It shall have authority to establish game refuges for the purpose of providing safe sanctuaries in which game and fur-bearing animals or game or non-game birds may breed and replenish. Such refuges shall be established by order of the commission upon the petition and proper showing that such action is, in judgment of the Fish and Game Commission, necessary and in the best interest of the wild-life within the area, to be included within such refuge, it being the purpose of this provision to establish small refuges rather than large preserves or rather than to close large areas to hunting or trapping. It shall have authority to designate and protect certain areas as resting, feeding and breeding grounds for migratory birds, in which hunting and molestation shall be forbidden; it being the purpose of this provision not to interfere unduly with the hunting of waterfowl, but to provide havens in which they can rest, feed, and breed without molestation. After petition has been duly filed with the secretary of the commission, praying that an area shall be set aside as a game refuge or haven, the said secretary shall immediately publish a notice in a paper of general circulation in the county in which said area is proposed, that a hearing in connection therewith will be held at such place in said county as may be designated on a day not less than fifteen (15) days from the date of the first publication, to be specified in said notice, at which time and place all interested parties shall have the right to appear and be heard. It shall have authority to establish and maintain an educational and biological department of their work for the collection and diffusion of such statistics and information as shall be germane to
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the purpose of this Act. Said commission shall, in addition to the powers heretofore granted, have such other and further powers as may be necessary to fully carry out the purpose and intent of all the laws pertaining to fish, game, and fur-bearing animals, game and non-game bird propagation, protection, conservation and management of this Act; provided, however, that it shall not have authority to issue permits to anyone to carry firearms within the confines of the State of Montana, except to regularly appointed officers and/or fish and game wardens who are paid by the State of Montana."

To have all powers necessary to carry out purposes of fish and game laws.

No power to issue permits to carry firearms.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 22, 1935.

CHAPTER 201

An Act to Amend Section 3002 of the Revised Codes of Montana, 1921, Relating to Workmen's Compensation; Providing Method of Collection of Delinquent Premiums Due the Board; Authorizing the Board to Cancel Employer's Right to Operate Under the Compensation Act; Providing the Notice for and the Method of Such Cancellation; the Duty of the Sheriff to Serve Said Notices and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3002 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 3002. If any employer shall default in any payment to the industrial accident fund, the sum due may be collected by an action at law in the name of the state and such right of action shall be cumulative.

Default in payments to Industrial Accident Board, how collected.

Cancellation
of right to
operate under
Plan 3 for
failure to pay
premiums
due.

Order to be
made 60 days
before can-
cellation be-
comes ef-
fective.

Notice of.

Notice to be
posted so that
workmen
can see.

Effect of
cancellation.

Repealing
clause.

The Industrial Accident Board is hereby authorized, in its discretion, to cancel an employer's right to operate under Plan Three (3) of the Workmen's Compensation Act for failure to pay the premiums due the industrial accident fund; provided, that when the Industrial Accident Board makes an order cancelling an employer's right for failure to pay premiums to the industrial accident fund it shall be the duty of the Industrial Accident Board to make such order at least sixty (60) days before the cancellation becomes effective and to send a formal notice to the Sheriff or Sheriffs of the county or counties where the employer is operating, and it shall be the duty of the said Sheriff or Sheriffs to post a notice in at least three (3) conspicuous places where the workmen can readily see said notices, to the effect that the Industrial Accident Board has cancelled the right of the said employer to operate under the Act, and said notice shall give the date of the effectiveness of said order. After said cancellation date the said employer shall have the same status as an employer who is not enrolled under the Workmen's Compensation Act."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 22, 1935.

**APPROPRIATIONS,
MEMORIALS AND RESOLUTIONS**

ENACTED BY THE

Twenty-fourth Legislative Assembly

STATE OF MONTANA

1935

APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

CHANGES OF NAMES REPORTED IN 1933 AND 1934

HOUSE BILL NO. 4

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Twenty-fourth Legislative Assembly; Per Diem to the Officers and Attaches and for Incidental Expenses of the Twenty-fourth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the Twenty-fourth Legislative Assembly of the State of Montana, One Hundred Five Thousand Dollars\$105,000.00

For the payment of per diem to the officers and attaches of the Twenty-fourth Legislative Assembly of the State of Montana, Fifty-five Thousand Dollars.... 55,000.00

For the payment of incidental expenses of the Twenty-fourth Legislative Assembly of the State of Montana, Twenty-five Thousand Dollars 25,000.00

Section 2. Any amount or amounts remaining in any appropriation for the Twenty-fourth Legislative Assembly may be transferred to supplement the amount or amounts remaining in any other appropriations for the Twenty-fourth Legislative Assembly; provided, that the aggregate amount of all such appropriations shall be neither increased nor decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

SESSION LAWS

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved January 12, 1935.

HOUSE BILL NO. 15

An Act Appropriating Money for the Payment of the Claim of Catharine Crossland Smith as Compensation for Expenses Incurred by Her Husband, the Late Robert B. Smith, While in the Performance of His Duties as Governor of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. THAT WHEREAS, the late Robert B. Smith, while in the performance of his duties as Governor of the State of Montana incurred certain expenses, in the sum of not less than One Thousand Eight Hundred Dollars (\$1,800.00), paid from his personal funds and which have not heretofore been repaid by the State of Montana and which expenses constitute a valid claim against the State of Montana;

NOW THEREFORE, there is hereby appropriated out of any moneys in the Treasury of the State of Montana, not otherwise appropriated, the sum of One Thousand Eight Hundred Dollars (\$1,800.00), for the payment of said claim to Catharine Crossland Smith, the widow of said Robert B. Smith, and the State Treasurer is hereby authorized and directed to draw his warrants on the general fund, monthly on the first day of each and every month, beginning with the month of July, 1935, and ending with the month of June, 1937, payable to the said Catharine Crossland Smith, each of said warrants to be in the amount of Seventy-five Dollars (\$75.00); provided that in the event of the death of Catharine Crossland Smith, said monthly payments shall cease immediately.

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 2, 1935.

HOUSE BILL NO. 25

An Act to Appropriate Money for the Payment of a Certain Deficiency Claim Against the State of Montana of Thomas Riis as Compensation for Services Rendered by Him as Custodian of the

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

Montana State Fair Grounds and Buildings From the First Day of January, 1933, to and Including the First Day of July, 1933.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Hundred Dollars (\$600.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of the Montana state fair grounds and buildings fund or out of the state fair revolving appropriation fund or account or out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claim of Thomas Riis as compensation for services performed and rendered by him at the special instance and request of said state as custodian of the Montana state fair grounds and buildings from the first day of January, 1933, to and including the first day of July, 1933, at the agreed wage and compensation of One Hundred Dollars (\$100.00) per month, making a total of Six Hundred Dollars (\$600.00), no part of which sum has been paid and all of which said sum of Six Hundred Dollars (\$600.00) is now due, owing and unpaid to said Thomas Riis from the State of Montana.

Section 2. Appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1935.

HOUSE BILL NO. 123

An Act to appropriate Money for the Refund of Excessive Inheritance Tax Collection by the State of Montana From Robert Duncan Forbes and Directing the State Auditor to Draw His Warrants Upon the General Fund and the Common School Equalization Fund of the State of Montana for Payment Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury in the general fund and the common school equalization fund of the State of Montana, in equal amount from each fund, for the objects and purposes hereinafter expressed:

SESSION LAWS

For the refund to Robert Duncan Forbes of Stillwater County, Montana, of excessive inheritance tax on the estate of his father, George B. Smith deceased, erroneously collected by the State of Montana and paid into the State Treasury in error, in the sum of One Hundred Eighteen and no/100 Dollars (\$118.00).

Section 2. The State Auditor of the State of Montana is hereby directed to draw his warrants in favor of the said Robert Duncan Forbes for the said sum of One Hundred Eighteen and no/100 Dollars (\$118.00) one-half on the general fund and one-half on the common school equalization fund of the State of Montana or such other funds as the said excess payment may have been absorbed.

Section 3. Appropriation hereinabove provided for shall be deemed, and held valid notwithstanding the provisions of the Budget Act.

Approved March 2, 1935.

HOUSE BILL NO. 241

An Act to Appropriate Money for the Payment of the Claim of Ford E. Hovey and Matt H. Tschirgi, as Executors of the Last Will and Testament of Frank M. Heinrich, Deceased, for the Repayment of Excess Inheritance Tax Paid by the Said Executors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated out of any moneys in the Treasury of the State of Montana, belonging to the general fund, not otherwise appropriated, the sum of Seventeen Hundred Ninety-three and 58/100 Dollars (\$1,793.58) for part payment of claim of Ford E. Hovey and Matt H. Tschirgi, as executors of the last will and testament of Frank M. Heinrich, deceased, and the State Auditor is hereby authorized and directed to draw his warrant on the said general fund for the said amount, and

IT IS FURTHER APPROPRIATED, out of any moneys in the Treasury of the State of Montana, belonging to the state common school equalization fund, not otherwise appropriated, the sum of Seventeen Hundred Ninety-three and 58/100 Dollars (\$1,793.58) for part payment of claim of Ford E. Hovey and Matt W. Tschirgi, as executors of the last will and testament of Frank M. Heinrich, deceased, and the State Auditor is hereby authorized and directed to draw his warrant on the state common school equalization fund for the said amount.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

Section 2. The appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the Budget Law.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1935.

HOUSE BILL NO. 275

An Act Appropriating Money to Pay a Judgment of the Supreme Court of Montana in the Sum of Five Thousand Three Hundred and Twenty-seven Dollars and Five Cents, With Interest Thereon From April 27, 1933, at the Rate of Six Per Cent Per Annum Until Paid, Rendered and Entered on April 27, 1933, Against the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. WHEREAS, the Supreme Court of the State of Montana, on April 27, 1933, rendered its judgment, duly then entered, in the cause of the State of Montana ex rel. T. A. SNIDOW and others vs. STATE BOARD OF EQUALIZATION and others, whereby it ordered, adjudged and decreed that said Relators Snidow and others do have and recover from the State of Montana the sum of Five Thousand Three Hundred and Twenty-seven Dollars and Five Cents (\$5,327.05), together with interest thereon at the rate of six (6%) per cent per annum until paid, to be paid as other claims against the state are paid; and said judgment having been duly allowed and approved by the State Board of Examiners as a claim against the state:

NOW, THEREFORE, there is hereby appropriated out of moneys in the general fund the sum of Five Thousand Nine Hundred and Forty Dollars (\$5,940.00) or so much thereof as may be necessary, for the purpose of paying said judgment for Five Thousand Three Hundred and Twenty-seven Dollars and Five Cents (\$5,327.05) with interest as aforesaid.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant on the general fund, payable to the order of T. A. Snidow, Relator, for the sum of Five Thousand Nine Hundred and Forty Dollars (\$5,940.00), or so much thereof as may be necessary, in payment of said judgment with interest; and the State Treasurer is hereby directed to pay the same.

SESSION LAWS

Section 3. This appropriation shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1935.

HOUSE BILL NO. 292

An Act Appropriating Money for the State Highway Commission for the Period Beginning July 1, 1935, and Ending June 30, 1937.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of the state highway fund the sum of Six Million Five Hundred Thousand Dollars (\$6,500,000.00), together with all additional moneys which may be deposited by law to the credit of said fund during the period from July 1, 1935, to June 30, 1937, not otherwise appropriated, and including the unexpended balance in said fund on June 30, 1935, for expenditure by the State Highway Commission as provided by law during the period from July 1, 1935, to June 30, 1937; provided, that the total cost to the state for administration and engineering on the Federal Aid work prescribed by law shall not exceed for any fiscal year, eight per cent (8%) of the total of state, Federal Aid and other available funds expended under the supervision of the State Highway Commission as provided by Initiative Measure No. 31 and Acts supplementary or amendatory thereto; provided further, that the commission shall file with the Governor a monthly report showing the overhead cost of operation; provided further, that the State Treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the State Highway Commission, subject to the approval of the State Board of Examiners, such parts of the money hereby appropriated as are necessary to match Federal Aid for construction and for reconstruction purposes, and when so transferred, said moneys may be expended and drawn from the said state highway trust fund in the same manner as other moneys in said fund are expended.

Section 2. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 5, 1935.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

SUBSTITUTE HOUSE BILL NO. 317

An Act to Appropriate Money for the Payment of Certain Deficiency Claims for Mileage and Per Diem of Delegates to the Constitutional Convention to Ratify the Repeal of the Eighteenth Amendment to the United States Constitution.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or as much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated for the purpose of paying the following deficiency claims and obligations incurred by delegates to the Constitutional Convention to ratify the repeal of the Eighteenth Amendment to the United States Constitution.

For mileage and per diem in the amount of Two Thousand Two Hundred Ninety-four Dollars and Eighteen Cents (\$2,294.18) which is more particularly itemized as:

William J. Corkill—Twenty-six Dollars and Ten Cents.....	\$26.10
Oliver Fairbault—Twenty-three Dollars and Seventy-two Cents	23.72
Alf Cullan—Forty Dollars and Ninety-four Cents.....	40.94
John O. Peterson—Forty Dollars and Ninety-four Cents.....	40.94
Deane S. Jones—Thirty-one Dollars and Sixty-six Cents.....	31.66
Mrs. C. E. Behner—Forty-three Dollars and Forty-six Cents....	43.46
R. A. O'Hara—Thirty-three Dollars and Thirty-eight Cents....	33.38
J. D. Walsh—Seventy-four Dollars and Ninety-six Cents.....	74.96
L. E. Lande—Forty-three Dollars and Sixty Cents.....	43.60
J. E. Mallery—Twenty-seven Dollars and Twenty-two Cents....	27.22
Chas. L. Krey—Twenty-seven Dollars and Twenty-two Cents..	27.22
Chas. Glattly—Thirty-seven Dollars and Thirty Cents.....	37.30
I. E. Thomas—Seventy Dollars and Seventy-six Cents.....	70.76
S. W. Maloney—Thirty-two Dollars and Fifty-four Cents.....	32.54
Joel F. Overholser—Twenty-nine Dollars and Eighty- eight Cents	29.88
Thos. N. Bailey—Twenty Dollars and Eight Cents.....	20.08
Elmer H. Wolz—Sixty-four Dollars and Thirty-two Cents.....	64.32
Fred Skalicky—Forty Dollars and Ten Cents.....	40.10
Ashton Jones—Seventy-five Dollars and Thirty-eight Cents....	75.38
S. J. Emswiler—Eighty-four Dollars and Thirty-four Cents....	84.34
Margaret S. Marsh—Twenty-three Dollars and Seventy- two Cents	23.72

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Jas. J. Stafford—Twenty Dollars and Eight Cents.....	20.08
Jas. E. Fowler—Twenty-three Dollars and Seventy-two Cents	23.72
Daniel Moltzan—Forty-five Dollars	45.00
C. A. Smithey—Thirty-three Dollars and Thirty-eight Cents..	33.38
John Rowe—Twenty Dollars and Eight Cents.....	20.08
L. D. Carver—Fourteen Dollars and Forty-eight Cents.....	14.48
M. G. Carver—Twenty-nine Dollars and Eighty-eight Cents....	29.88
W. F. Allison—Thirty-nine Dollars and Ninety-six Cents.....	39.96
Thos. Hurley, Sr.—Twenty-three Dollars and Seventy- two Cents	23.72
Edmund J. Blackwood—Forty-three Dollars and Forty- six Cents	43.46
F. J. Sherry—Ninety Dollars and Eight Cents.....	90.08
F. L. Greenup—Ninety-five Dollars and Fifty-four Cents.....	95.54
F. C. Burgevoid—Forty-four Dollars and Two Cents.....	44.02
Grover Downen—Forty-four Dollars and Two Cents.....	44.02
Terry Browning—Twenty-nine Dollars and Eighteen Cents...	29.18
Hans H. Larsen—Eighty-four Dollars and Seventy-six Cents..	84.76
W. S. Allen—Eighty-three Dollars and Ninety-two Cents.....	83.92
Geo. M. Howell—Eighty-eight Dollars and Ninety-six Cents...	88.96
F. M. Poindexter—Twenty-nine Dollars and Eighteen Cents....	29.18
Jas. D. Law—Thirty Dollars and Eighty-six Cents.....	30.86
M. E. McConkey—Thirty-one Dollars and Forty-two Cents.....	31.42
Sam Young—Thirty-four Dollars and Seventy-eight Cents.....	34.78
F. C. McWilliams—Twenty-three Dollars and Seventy- two Cents	23.72
J. L. Alexander—Forty-seven Dollars and Eighty Cents.....	47.80
Jack MacCausland—Sixty-one Dollars and Eighty Cents.....	61.80
W. G. Dunlap—Forty-one Dollars and Eight Cents.....	41.08
D. E. Dougherty—Seventy-five Dollars and Sixty-six Cents...	75.66
E. C. Harrington—Twenty-three Dollars and Fifty- eight Cents	23.58
Anna A. Kain—Ten Dollars	10.00
Lucile Cloud—Sixty-nine Dollars and Twenty-two Cents.....	69.22
Mrs. Julia Flynn—Sixty-nine Dollars and Twenty-two Cents..	69.22

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 377

An Act Appropriating Money for the Payment of the Reward Claim of Mrs. J. McNally, as Compensation for Aiding the State of Montana in the Apprehension of the Sheridan, Montana, Bank Robber by Revealing Information Which Led to the Conviction.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That whereas, Governor Erickson offered a reward of Four Hundred Dollars (\$400.00) for information leading to the arrest and conviction of persons involved in the Sheridan bank robbery of September 4, 1931, which expired before the information given by Mrs. J. McNally could lead to arrest and conviction of the guilty person.

Section 2. Now, therefore, the sum of Four Hundred Dollars (\$400.00), be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of paying the reward claim of Mrs. J. McNally in the apprehension of the Sheridan, Montana, bank robber by revealing information which led to the conviction; provided this appropriation is contingent upon the approval of a valid claim by the state.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 14, 1935.

HOUSE BILL NO. 489

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain of the State's Institutions, for the Period Beginning July 1, 1935, and Ending June 30, 1937.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this Act unless otherwise required by the context:

(1) The term "Salaries" means the compensation paid in consideration of services rendered, to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid, in consideration of

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services rendered to temporary employees and/or persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "Operation."

(2) The term "Capital", unless otherwise herein designated or defined, means all articles, fixtures and goods of a permanent nature, but in no event shall the term "Capital" mean buildings or lands unless specifically defined herein.

(3) The term "Repairs" means the amounts to be paid for the repairing of any capital asset, including buildings or lands.

(4) The term "Replacement" means the amounts to be paid for the replacing of any capital asset as defined in Paragraph (2) above, by the purchase of a new one to take its place by reason of the original asset being worn out or broken, but in no instance shall it include the purchase of any article to replace another if the original article is retained and remains in use.

(5) The term "Operation" means all other expenditures which are necessary for the operation of the institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "Salaries and Expenses" means any expense, including salaries, capital, repairs and replacements and other operation, as defined above.

(7) The term "Expense" means any expense defined above, with the exception of salaries.

(8) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1935, and ending June 30, 1936.

STATE SCHOOL FOR DEAF AND BLIND

FROM THE GENERAL FUND

For Salaries and Operation, One Hundred Twenty-one
Thousand, Six Hundred Fifty-nine Dollars.....\$121,659.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

For Capital, Repairs and Replacements, Ten Thousand,
Eight Hundred Forty-one Dollars 10,841.00

In addition thereto there is hereby appropriated all earnings, all income from land grants and all other funds, which may accrue to said institution for salaries and operations, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE ORPHANS' HOME

FROM THE GENERAL FUND

For Salaries and Expenses, Eighty-two Thousand, Five
Hundred Dollars\$ 82,500.00

In addition thereto there is hereby appropriated all earnings and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

For Salaries and Expenses, Fifty-four Thousand
Dollars\$ 54,000.00

In addition thereto there is hereby appropriated all earnings and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

For Salaries and Expenses, Twenty-nine Thousand
Dollars\$ 29,000.00

In addition thereto there is hereby appropriated all earnings and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE PRISON

FROM THE GENERAL FUND

For Salaries and Expenses, One Hundred Fifty-eight
Thousand Dollars\$158,000.00

In addition thereto there is hereby appropriated all earnings and all other funds which may accrue to said institution, as provided

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in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

LICENSE PLATE FACTORY

FROM THE MOTOR VEHICLE FUND

For Salaries and Expenses, so much thereof as may be necessary to pay lawful claims, as provided in House Bill No. 124, of the Session Laws of 1927, or any amendatory laws thereto.

STATE GARMENT FACTORY

FROM THE STATE GARMENT FACTORY REVOLVING FUND

For Salaries and Expenses, so much thereof as may be necessary to pay lawful claims, as provided in Chapter 152, Session Laws of 1927.

STATE HOSPITAL

FROM THE GENERAL FUND

For Salaries and Expenses, Three Hundred Twenty-five
Thousand Dollars\$325,000.00

In addition thereto there is hereby appropriated all earnings and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

For Salaries and Expenses, Seventy-five Thousand,
Five Hundred Dollars\$ 75,500.00

In addition thereto there is hereby appropriated all earnings and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE SOLDIERS' HOME

FROM THE GENERAL FUND

For Salaries and Expenses, Thirty-eight Thousand,
Five Hundred Dollars\$ 38,500.00

For new Water System, new Bakery and Cold Storage
Buildings, Twelve Thousand Dollars 12,000.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

In addition thereto there is hereby appropriated all earnings, all Federal moneys and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1936, and ending June 30, 1937.

STATE SCHOOL FOR DEAF AND BLIND

FROM THE GENERAL FUND

For Salaries and Operation, One Hundred Twenty-one Thousand, Six Hundred Fifty-nine Dollars.....\$121,659.00
 For Capital, Repairs and Replacements, Ten Thousand, Eight Hundred Forty-one Dollars..... 10,841.00

In addition thereto there is hereby appropriated all earnings, all income from land grants and all other funds which may accrue to said institution for salaries and operations, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE ORPHANS' HOME

FROM THE GENERAL FUND

For Salaries and Expenses, Eighty-two Thousand, Five Hundred Dollars\$ 82,500.00

In addition thereto there is hereby appropriated all earnings and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

For Salaries and Expenses, Fifty-four Thousand Dollars\$ 54,000.00

In addition thereto there is hereby appropriated all earnings and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

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STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

For Salaries and Expenses, Twenty-eight Thousand
Dollars\$ 28,000.00

In addition thereto there is hereby appropriated all earnings and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE PRISON

FROM THE GENERAL FUND

For Salaries and Expenses, One Hundred Fifty-eight
Thousand Dollars\$158,000.00

In addition thereto there is hereby appropriated all earnings and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

LICENSE PLATE FACTORY

FROM THE MOTOR VEHICLE FUND

For Salaries and Expenses, so much thereof as may be necessary to pay lawful claims, as provided in House Bill No. 124, of the Session Laws of 1927, or any amendatory laws thereto.

STATE GARMENT FACTORY

FROM THE STATE GARMENT FACTORY

REVOLVING FUND

For Salaries and Expenses, so much thereof as may be necessary to pay lawful claims, as provided in Chapter 152, Session Laws of 1927.

STATE HOSPITAL

FROM THE GENERAL FUND

For Salaries and Expenses, Three Hundred Twenty-five Thousand Dollars\$325,000.00

In addition thereto there is hereby appropriated all earnings and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

For Salaries and Expenses, Eighty Thousand Dollars....\$ 80,000.00

In addition thereto there is hereby appropriated all earnings and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE SOLDIERS' HOME

FROM THE GENERAL FUND

For Salaries and Expenses, Thirty-eight Thousand,
Five Hundred Dollars\$ 38,500.00

In addition thereto there is hereby appropriated all earnings, all Federal moneys and all other funds which may accrue to said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this Act shall govern all appropriations.

Section 5. It is further provided that wherein institutions have specific appropriations from sources other than the general fund, the money from such other sources shall be used, when available, before using the appropriations from the general fund.

Section 6. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 14, 1935.

HOUSE BILL NO. 490

An Act to Appropriate Money for the Operation and Maintenance of the Six Units of the University of Montana, for the Agricultural Experiment Stations and the Sub-stations, for Farmers' Extension Work, for the Bureau of Mines, for the Students' Railroad Fare Refund, for the Period Beginning July 1, 1935, and Ending June 30, 1937.

Be it enacted by the Legislative Assembly of the State of Montana:

SESSION LAWS

Section 1. For the purpose of this Act unless otherwise required by the context:

(1) The term "Salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and/or persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "Operation."

(2) The term "Capital", unless otherwise herein designated or defined, means all articles, fixtures and goods of a permanent nature, but in no event shall the term "Capital" mean buildings or lands unless specifically defined herein.

(3) The term "Repairs" means the amounts to be paid for the repairing of any capital asset, including buildings or lands.

(4) The term "Replacements" means the amounts to be paid for the replacing of any capital asset as defined in Paragraph (2) above, by the purchase of a new one to take its place by reason of the original asset being worn out or broken, but in no instance shall it include the purchase of any article to replace another if the original article is retained and remains in use.

(5) The term "Operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "Salaries and Expenses" means any expense, including salaries, capital, repairs and replacements and other operation, as defined above.

(7) The term "Expense" means any expense defined above, with the exception of salaries.

(8) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, from the University millage fund, not otherwise appropriated, and out of any special fund herein

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1935, and ending June 30, 1936.

STATE UNIVERSITY

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Two Hundred Fifty-two
Thousand Dollars\$252,000.00

In addition to the above appropriation there is hereby appropriated for the support and maintenance of the State University, all earnings of said institution, all incomes from land grants and endowments and all other funds of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE AGRICULTURAL COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, One Hundred Fifty-three
Thousand Five Hundred Dollars\$153,500.00

In addition to the above appropriation there is hereby appropriated for the support and maintenance of the State Agricultural College, all earnings of said institution, all income from land grants, endowments, Federal funds, and all other funds of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Fifty Thousand Dollars.....\$ 50,000.00

For Experimental Sub-stations for Salaries and Expenses for each of the following branch stations:

Grain Laboratory, Five Thousand Dollars.....	\$ 5,000.00
Horticultural Branch Station, Three Thousand Dollars	3,000.00
Huntley Branch Station, One Thousand Dollars.....	1,000.00
Judith Basin Sub-station, Six Thousand Dollars.....	6,000.00
North Montana Branch Station, Eleven Thousand Dollars	11,000.00
Fort Keogh Livestock Range Station, One Thousand Dollars	1,000.00

In addition to the above appropriation there is hereby appropriated for the Experiment Station and Sub-stations, all earnings which may accrue to the different departments contained herein

SESSION LAWS

and all Federal funds of said institution as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

EXTENSION SERVICE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Fifty-two Thousand

Dollars\$ 52,000.00

In addition to the above appropriation there is hereby appropriated for the Extension Service, all revenue that may accrue to this department from all sources, including Federal money, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

SCHOOL OF MINES

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Forty-seven Thousand

Dollars\$ 47,000.00

BUREAU OF MINES AND GEOLOGY

For Salaries and Expenses, Fourteen Thousand

Dollars\$ 14,000.00

In addition to the above appropriation there is hereby appropriated all earnings of said institution, all income from land grants and endowments and all other funds of said School of Mines, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE NORMAL COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Sixty-six Thousand

Dollars\$ 66,000.00

In addition to the above appropriation there is hereby appropriated all earnings of said institution, one-half ($\frac{1}{2}$) of all income from land grants, and all endowments and all other funds of said Normal College, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

EASTERN MONTANA NORMAL SCHOOL

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, including the sum of Seven
Hundred Dollars (\$700.00) for the Branch Regional

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

Summer School at Miles City, Fifty Thousand Seven
Hundred Fifty Dollars\$ 50,750.00

In addition to the above appropriation there is hereby appropriated all earnings of said institution, one-half ($\frac{1}{2}$) of all income from land grants, and all other funds of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

NORTH MONTANA COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Fifty-five Thousand
Dollars\$ 55,000.00

In addition to the above appropriation there is hereby appropriated all earnings of said institution and all income from any other sources as provided in Chapter 12, Revised Codes of 1921, as amended by Chapter 157, Session Laws of 1931.

STUDENT RAILROAD REFUNDS

FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon the institutions of the Greater University of Montana, Two Thousand Dollars.....\$ 2,000.00

Section 3. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, from the University millage fund, not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1936, and ending June 30, 1937.

STATE UNIVERSITY

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Two Hundred Fifty-two
Thousand Dollars\$252,000.00

In addition to the above appropriation there is hereby appropriated for the support and maintenance of the State University, all earnings of said institution, all income from land grants and endowments and all other funds of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

SESSION LAWS

STATE AGRICULTURAL COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, One Hundred Fifty-three
Thousand Five Hundred Dollars\$153,500.00

In addition to the above appropriation there is hereby appropriated for the support and maintenance of the State Agricultural College, all earnings of said institution, all income from land grants, endowments, Federal funds, and all other funds of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Fifty Thousand Dollars....\$ 50,000.00

For Experimental Sub-stations for Salaries and Expenses for each of the following branch stations:

Grain Laboratory, Five Thousand Dollars.....	\$ 5,000.00
Horticulture Branch Station, Three Thousand Dollars	3,000.00
Huntley Branch Station, One Thousand Dollars.....	1,000.00
Judith Basin Branch Station, Six Thousand Dollars....	6,000.00
North Montana Branch Station, Eleven Thousand Dollars	11,000.00
Fort Keogh Livestock Range Station, One Thousand Dollars	1,000.00

In addition to the above appropriations there is hereby appropriated for the Experimental Station and Sub-stations, all earnings which may accrue to the different departments contained herein and all Federal funds of said institution as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

EXTENSION SERVICE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Fifty-two Thousand
Dollars\$ 52,000.00

In addition to the above appropriation there is hereby appropriated for the Extension Service all income that may accrue to this department from all sources, including Federal money, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

STATE SCHOOL OF MINES

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Forty-seven Thousand
Dollars\$ 47,000.00

BUREAU OF MINES AND GEOLOGY

For Salaries and Expenses, Fourteen Thousand
Dollars\$ 14,000.00

In addition to the above appropriation, there is hereby appropriated all earnings of said institution, all income from land grants and endowments and all other funds of said School of Mines, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

STATE NORMAL COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Sixty-six Thousand
Dollars\$ 66,000.00

In addition to the above appropriation there is hereby appropriated all earnings of said institution, one-half ($\frac{1}{2}$) of all income from land grants, and all endowments, and all other funds of said Normal College, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

EASTERN MONTANA NORMAL SCHOOL

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, including the sum of Seven
Hundred Dollars (\$700.00) for the Branch Regional
Summer School at Miles City, Fifty Thousand Seven
Hundred Fifty Dollars\$ 50,750.00

In addition to the above appropriation there is hereby appropriated all earnings of said institution, one-half ($\frac{1}{2}$) of all income from land grants and all other funds of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921, as amended by Chapter 157, Session Laws of 1931.

NORTH MONTANA COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Fifty-five Thousand
Dollars\$ 55,000.00

SESSION LAWS

In addition to the above appropriation there is hereby appropriated all earnings of said institution and all income from any other sources, as provided in Chapter 12, Revised Codes of 1921, as amended by Chapter 157, Session Laws of 1931.

STUDENT RAILROAD REFUNDS

FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon the institutions of the Greater University of Montana, Two Thousand Dollars.....\$ 2,000.00

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this Act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have specific appropriations from sources other than the general fund or University millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used, when available, before using the appropriations from the general fund or University millage fund.

Section 6. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 14, 1935.

HOUSE BILL NO. 491

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes as Designated Herein, for Certain State Departments and Offices for the Period Beginning July 1, 1935, and Ending June 30, 1937.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this Act unless otherwise required by the context:

(1) The term "Salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

services rendered to temporary employees and/or persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "Operation."

(2) The term "Capital", unless otherwise herein designated or defined, means all articles, fixtures and goods of a permanent nature, but in no event shall the term "Capital" mean buildings or lands unless specifically defined herein.

(3) The term "Repairs" means the amounts to be paid for the repairing of any capital asset, including buildings or lands.

(4) The term "Replacements" means the amounts to be paid for the replacing of any capital asset as defined in Paragraph (2) above, by the purchase of a new one to take its place by reason of the original asset being worn out or broken, but in no instance shall it include the purchase of any article to replace another if the original article is retained and remains in use.

(5) The term "Operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "Salaries and Expenses" means any expense, including salaries, capital, repairs and replacements and other operation, as defined above.

(7) The term "Expense" means any expense defined above, with the exception of salaries.

(8) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1935, and ending June 30, 1936.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For Salaries fixed by law, Thirteen Thousand	
Five Hundred Dollars	\$13,500.00

SESSION LAWS

For Salaries not fixed by law, Twenty-five Hundred Dollars	2,500.00
For Capital, Repairs and Replacements, Two Hundred Fifty Dollars	250.00
For Operation, Five Thousand Dollars.....	5,000.00
For Requisitions, Six Thousand Dollars.....	6,000.00

GOVERNOR'S MANSION OR HOME

FROM THE GENERAL FUND

For Salaries and Expenses of the Governor's Mansion or Home, Three Thousand Five Hundred Dollars.....	\$ 3,500.00
For refurnishing Mansion, Four Thousand Dollars.....	4,000.00

SECRETARY OF STATE

FROM THE GENERAL FUND

For Salaries fixed by law, Seven Thousand Two Hundred Dollars	\$ 7,200.00
For Salaries not fixed by law, Six Thousand Three Hundred Dollars	6,300.00
For Capital, Repairs and Replacements, Three Hundred Dollars	300.00
For Operation, Twenty-one Hundred Ninety-five Dollars	2,195.00
Election Expenses: Publishing Constitutional Amend- ments, Initiative and Referendum Measures, Printing and Binding Election Laws, Two Thousand Dollars....	2,000.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

For Salaries fixed by law, Nineteen Thousand Two Hundred Dollars	\$19,200.00
For Salaries not fixed by law, Four Thousand Dollars....	4,000.00
For Capital, Repairs and Replacements, Two Hundred Eighty Dollars	280.00
For Operation, Four Thousand Seven Hundred Twenty Dollars	4,720.00
For Salaries not fixed by law and Operating Expenses for Law Enforcement, Ten Thousand Dollars.....	10,000.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

FARM LOAN DIVISION

FROM THE GENERAL FUND

For Salaries not fixed by law and Expenses, Five
Thousand Six Hundred Dollars\$ 5,600.00

FROM LAW ENFORCEMENT FUND

All money available to pay Salaries and Expenses in connection
with Law Enforcement.

STATE TREASURER

FROM THE GENERAL FUND

For Salaries fixed by law, Seventy-two Hundred
Dollars\$ 7,200.00

For Salaries not fixed by law, Seventy-five
Hundred Dollars 7,500.00

For Capital, Repairs and Replacements, Three Hundred
Fifteen Dollars and Fifty Cents..... 315.50

For Operation, Two Thousand and Thirty-four
Dollars and Fifty Cents 2,034.50

STATE AUDITOR

AUDITOR'S DIVISION

FROM THE GENERAL FUND

For Salaries fixed by law, Sixty-six Hundred
Dollars\$ 6,600.00

For Salaries not fixed by law, Five Thousand Four
Hundred Dollars 5,400.00

For Capital, Repairs and Replacements, Two Hundred
Ten Dollars 210.00

For Operation, Twenty-eight Hundred Ten Dollars..... 2,810.00

FROM THE HIGHWAY FUND

For Salaries not fixed by law, Thirty-one Hundred
Twenty Dollars\$ 3,120.00

For Operation, Three Thousand Dollars..... 3,000.00

INSURANCE DEPARTMENT

FROM THE GENERAL FUND

For Salaries fixed by law, Fifty-seven Hundred
Dollars. \$ 5,700.00

SESSION LAWS

For Salaries not fixed by law, Seventy-one Hundred Dollars	7,100.00
For Operation, Six Thousand Seven Hundred and Twenty-five Dollars	6,725.00

INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

For Salaries not fixed by law, Thirty-nine Hundred Dollars	\$ 3,900.00
For Operation, One Thousand and Ninety-five Dollars....	1,095.00

FIRE MARSHAL

FROM THE FIRE MARSHAL'S FUND

As much as may be necessary, of all collections, to pay lawful claims as provided in Section 2761, Revised Codes of Montana, 1921.

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the Firemen's Disability fund, as provided in House Bill 83, an appropriation sufficient to meet the requirements as provided by law.

SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For Salaries fixed by law, Sixty-one Hundred Dollars....	\$ 6,100.00
For Salaries not fixed by law, Five Thousand One Hundred Dollars	5,100.00
For Capital, Repairs and Replacements, Four Hundred Twenty-five Dollars	425.00
For Operation, Fifty-two Hundred Dollars.....	5,200.00

HIGH SCHOOL AND RURAL SCHOOL INSPECTORS

FROM THE GENERAL FUND

For Salaries fixed by law, Five Thousand Dollars.....	\$ 5,000.00
For Operation, Fourteen Hundred Dollars.....	1,400.00

CERTIFICATION DEPARTMENT

FROM TEACHERS' CERTIFICATE FUND

All fees and collections are hereby appropriated to carry out the provisions of Chapter 147, Laws of 1931.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

FOR APPLIED MUSIC

FROM THE REVOLVING FUND

In addition to the above appropriation, all fees collected for applied music are hereby appropriated in connection with this activity.

SUPREME COURT

FROM THE GENERAL FUND

For Salaries fixed by law, Forty-seven Thousand Nine Hundred Eighty Dollars	\$47,980.00
For Salaries not fixed by law, Eighteen Hundred Dollars	1,800.00
For Capital, Repairs and Replacements, Two Hundred Fifty Dollars	250.00
For Operation, Four Thousand Five Hundred Dollars....	4,500.00

ATTORNEYS' LICENSING BOARD

FROM ATTORNEYS' LICENSING FUND

All fees and collections as may be found necessary in carrying out the provisions of Section 8936 to Section 8974 of the Revised Codes of Montana, 1921.

RAILROAD COMMISSION

RAILROAD AND PUBLIC SERVICE DIVISION

FROM THE GENERAL FUND

For Salaries fixed by law, Twelve Thousand Dollars.....	\$12,000.00
For Salaries not fixed by law, Eighteen Thousand Nine Hundred Sixty-seven Dollars.....	18,967.00
For Capital, Repairs and Replacements, Two Hundred Fifty Dollars	250.00
For Operation, Four Thousand Dollars.....	4,000.00
For Expenses in prosecuting rate and/or traffic cases before the Interstate Commerce Commission or in any appropriate forum and conducting rate and traffic cases and intervening in I. C. C. cases and appearing before the United States Supreme Court, Five Thou- sand Dollars	5,000.00
For valuing or/and revaluing public utility properties in Montana, Ten Thousand Dollars.....	10,000.00

SESSION LAWS

MOTOR CARRIER DIVISION

FROM THE MOTOR CARRIER FUND

All fees and collections for Salaries and Expenses as provided for in Chapter 184, Session Laws of 1931.

GAS AND OIL WELL INSPECTION

FROM THE GENERAL FUND

For Salaries not fixed by law, Five Thousand	
Two Hundred Fifty-six Dollars	\$ 5,256.00
For Capital, Repairs and Replacements, Six Hundred	
Fifty Dollars	650.00
For Operation, Three Thousand Nine Hundred Dollars..	3,900.00

GASOLINE LICENSING DIVISION

FROM THE GASOLINE INSPECTION FUND

All collections are hereby appropriated for the use of this department in accordance with Chapter 109, Session Laws of 1927.

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1936, and ending June 30, 1937.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For Salaries fixed by law, Thirteen Thousand Five	
Hundred Dollars	\$13,500.00
For Salaries not fixed by law, Twenty-five	
Hundred Dollars	2,500.00
For Capital, Repairs and Replacements, Two Hundred	
Fifty Dollars	250.00
For Operation, Five Thousand Dollars.....	5,000.00
For Requisitions, Six Thousand Dollars.....	6,000.00

GOVERNOR'S MANSION OR HOME

FROM THE GENERAL FUND

For Salaries and Expenses of the Governor's Mansion	
or Home, Three Thousand Five Hundred Dollars.....	\$ 3,500.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

SECRETARY OF STATE

FROM THE GENERAL FUND

For Salaries, fixed by law, Seven Thousand Two Hundred Dollars	\$ 7,200.00
For Salaries not fixed by law, Six Thousand Three Hundred Dollars	6,300.00
For Capital, Repairs and Replacements, Three Hundred Dollars	300.00
For Operation, Twenty-one Hundred Ninety-five Dollars	2,195.00
For Election Expenses: Publishing Constitutional Amendments, Initiative and Referendum Measures, Printing and Binding Election Laws, Sixteen Thousand Two Hundred Twenty-five Dollars.....	16,225.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

For Salaries fixed by law, Nineteen Thousand Two Hundred Dollars	\$19,200.00
For Salaries not fixed by law, Four Thousand Dollars....	4,000.00
For Capital, Repairs and Replacements, Two Hundred Eighty Dollars	280.00
For Operation, Two Thousand Seven Hundred Twenty Dollars	2,720.00

FARM LOAN DIVISION

FROM THE GENERAL FUND

For Salaries not fixed by law and Expenses, Five Thousand Six Hundred Dollars	\$ 5,600.00
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FROM LAW ENFORCEMENT FUND

All money available to pay Salaries and Expenses in connection with Law Enforcement.

STATE TREASURER

FROM THE GENERAL FUND

For Salaries fixed by law, Seventy-two Hundred Dollars	\$ 7,200.00
For Salaries not fixed by law, Seventy-five Hundred Dollars	7,500.00

SESSION LAWS

For Capital, Repairs and Replacements, Three Hundred Nine Dollars	309.00
For Operation, One Thousand Nine Hundred Forty-one Dollars	1,941.00

STATE AUDITOR

FROM THE GENERAL FUND

For Salaries fixed by law, Sixty-six Hundred Dollars....	\$ 6,600.00
For Salaries not fixed by law, Fifty-four Hundred Dollars	5,400.00
For Capital, Repairs and Replacements, One Hundred Dollars	100.00
For Operation, Twenty-eight Hundred Ten Dollars.....	2,810.00

FROM THE HIGHWAY FUND

For Salaries not fixed by law, Thirty-one Hundred Twenty Dollars	\$ 3,120.00
For Operation, Three Thousand Dollars.....	3,000.00

INSURANCE DEPARTMENT

FROM THE GENERAL FUND

For Salaries fixed by law, Fifty-seven Hundred Dollars	\$ 5,700.00
For Salaries not fixed by law, Sixty-six Hundred Dollars	6,600.00
For Operation, Six Thousand Five Hundred and Twenty-five Dollars	6,525.00

INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

For Salaries not fixed by law, Thirty-nine Hundred Dollars	\$ 3,900.00
For Operation, One Thousand and Ninety-five Dollars	1,095.00

FIRE MARSHAL

FROM THE FIRE MARSHAL FUND

As much as may be necessary of all collections, to pay lawful claims as provided in Section 2761, Revised Codes of Montana, 1921.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

SUPERINTENDENT OF PUBLIC INSTRUCTION
ADMINISTRATION

FROM THE GENERAL FUND

For Salaries fixed by law, Sixty-one Hundred Dollars....	\$ 6,100.00
For Salaries not fixed by law, Five Thousand One Hundred Dollars	5,100.00
For Capital, Repairs and Replacements, Four Hundred Twenty-five Dollars	425.00
For Operation, Fifty-two Hundred Dollars.....	5,200.00

HIGH SCHOOL AND RURAL SCHOOL INSPECTION
FROM THE GENERAL FUND

For Salaries fixed by law, Five Thousand Dollars.....	\$ 5,000.00
For Operation, Fourteen Hundred Dollars.....	1,400.00

CERTIFICATION DEPARTMENT

FROM TEACHERS' CERTIFICATE FUND

All fees and collections are hereby appropriated to carry out the provisions of Chapter 147 of the Laws of 1931.

FOR APPLIED MUSIC

FROM THE REVOLVING FUND

In addition to the above appropriations, all fees collected for applied music are hereby appropriated in connection with this activity.

SUPREME COURT

FROM THE GENERAL FUND

For Salaries fixed by law, Forty-seven Thousand Nine Hundred Eighty Dollars	\$47,980.00
For Salaries not fixed by law, Eighteen Hundred Dollars	1,800.00
For Capital, Repairs and Replacements, Two Hundred Fifty Dollars	250.00
For Operation, Four Thousand Five Hundred Dollars....	4,500.00

ATTORNEYS' LICENSING BOARD

FROM ATTORNEYS' LICENSE FUND

All fees and collections as may be found necessary to carry out the provisions of Section 8936 of the Revised Codes of Montana, 1921.

SESSION LAWS

RAILROAD COMMISSION

RAILROAD AND PUBLIC SERVICE DIVISION

FROM THE GENERAL FUND

For Salaries fixed by law, Twelve Thousand Dollars.....	\$12,000.00
For Salaries not fixed by law, Eighteen Thousand Nine Hundred Sixty-seven Dollars	18,967.00
For Capital, Repairs and Replacements, Two Hundred Fifty Dollars	250.00
For Operation, Four Thousand Dollars.....	4,000.00

MOTOR CARRIER DIVISION

FROM THE MOTOR CARRIER FUND

All fees and collections are hereby appropriated for Salaries and Expenses as provided for in Chapter 184, Session Laws of 1931.

GAS AND OIL WELL INSPECTION

FROM THE GENERAL FUND

For Salaries not fixed by law, Five Thousand Two Hundred Fifty-six Dollars	\$ 5,256.00
For Capital, Repairs and Replacements, Six Hundred Fifty Dollars	650.00
For Operation, Three Thousand Nine Hundred Dollars..	3,900.00

GASOLINE LICENSING DIVISION

FROM THE GASOLINE INSPECTION FUND

All collections are hereby appropriated for the use of this department in accordance with Chapter 109, Session Laws of 1927.

Section 4. It is further provided that in the appropriations, for the State Treasurer, contained herein, no provision is made for the printing of the State Treasurer's Quarterly Report.

Section 5. It is further provided that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this Act shall govern all appropriations.

Section 6. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 11, 1935.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 532

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus, Commissions and Institutions, for the Period Beginning July 1, 1935, and Ending June 30, 1937.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this Act unless otherwise required by the context:

(1) The term "Salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and/or persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "Operation."

(2) The term "Capital", unless otherwise herein designated or defined, means all articles, fixtures and goods of a permanent nature, but in no event shall the term "Capital" mean buildings or lands unless specifically defined herein.

(3) The term "Repairs" means the amounts to be paid for the repairing of any capital asset, including buildings or lands.

(4) The term "Replacements" means the amounts to be paid for the replacing or any capital asset as defined in Paragraph (2) above, by the purchase of a new one to take its place by reason of the original asset being worn out or broken, but in no instance shall it include the purchase of any article to replace another if the original article is retained and remains in use.

(5) The term "Operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "Salaries and Expenses" means any expense, including salaries, capital, repairs and replacements and other operation, as defined above.

(7) The term "Expense" means any expense defined above, with the exception of salaries.

SESSION LAWS

(8) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1935, and ending June 30, 1936.

LIVESTOCK SANITARY BOARD AND VETERINARY

SURGEON

FROM THE GENERAL FUND

For Salaries and Expenses, Sixty Thousand Dollars.... \$60,000.00

FROM THE LIVESTOCK SANITARY BOARD FUND

For the payment of slaughtered stock as provided in Chapter 234, Revised Codes of Montana, 1921, and for Salaries and Expenses of the Livestock Sanitary Board, such sums as may be available.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the Livestock Sanitary Board as much as may be required when such emergency is declared to exist by the said Livestock Sanitary Board as provided in Section 2078, Revised Codes of Montana, 1921, as amended by Chapter 152, Session Laws of 1929.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For Salaries and Expenses, Twenty Thousand Dollars.. \$20,000.00

FROM THE LIVESTOCK COMMISSION FUND

All collections are hereby appropriated for Salaries and Expenses in connection with the work of the commission as provided in Section 3257, Revised Codes of Montana, 1921.

FROM THE BOUNTY FUND

For the Salary of one Clerk, One Thousand Four
Hundred Forty Dollars \$ 1,440.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

For the payment of bounty claims, so much thereof as may be necessary as provided in Section 3414, Revised Codes of Montana, 1921.

FROM THE STOCK ESTRAY FUND

So much thereof as may be necessary for the payment of estray claims, as provided in Section 3331, Revised Codes of Montana, 1921.

BUREAU OF CIVILIAN REHABILITATION

FROM THE GENERAL FUND

For Salaries not fixed by law, Five Thousand Three Hundred Dollars	\$ 5,300.00
For Expenses, Three Thousand Seven Hundred Dollars	3,700.00
For payment of Maintenance of Vocational Trainees, Nine Thousand Dollars	9,000.00

FROM THE CIVILIAN REHABILITATION U. S. AID FUND

For Salaries and Expenses as much thereof as may be available in compliance with Chapter 216, Revised Codes of Montana, 1921.

BOARD OF ENTOMOLOGY

FROM THE GENERAL FUND

For Salaries and Expenses, Five Hundred Dollars.....	\$ 500.00
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BOARD OF HEALTH

FROM THE GENERAL FUND

For Salaries fixed by law, Five Thousand Dollars.....	\$ 5,000.00
For Salaries not fixed by law, Thirty Thousand Dollars	30,000.00
For Capital, Repairs and Replacements, Three Hundred Dollars	300.00
For Operation, Fifteen Hundred Dollars.....	1,500.00

CHILD WELFARE DIVISION

FROM THE GENERAL FUND

For Salaries and Expenses, Nine Thousand Dollars.....	\$ 9,000.00
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FROM THE BOARD OF HEALTH REVOLVING FUND

All fees and earnings are hereby appropriated to be used in connection with the Board of Health and Child Welfare Division as

SESSION LAWS

Expenses. The amounts above appropriated are declared to be in addition to any money received for any special work, in connection with the Board of Health or the Child Welfare Division, for which it is received.

STATE EXAMINER

FROM THE GENERAL FUND

For Salaries fixed by law, Thirty-one Thousand Five Hundred Dollars	\$31,500.00
For Salaries not fixed by law, Eight Thousand and Eighty Dollars	8,080.00
For Capital, Repairs and Replacements, One Thousand and Ninety Dollars	1,090.00
For Operation, Thirteen Thousand Nine Hundred Fifty Dollars	13,950.00

FOR STATE EXAMINER'S PERMANENT REVOLVING FUND

FROM THE GENERAL FUND

There is further appropriated from the general fund,
the sum of Five Thousand Dollars..... \$ 5,000.00

for the purpose of creating a permanent revolving fund to be known as the State Examiner's permanent revolving fund. The salaries and expense of all examinations of the State Liquor Control Board, the Montana Relief Commission, the Montana Fish and Game Department and of all special examinations of any state office, department or agency, shall be paid from this revolving fund, and such board, commission, department or agency, shall reimburse said fund in an amount equal to the entire expense incurred in making such examination or examinations, so that this fund may become a permanent revolving fund for the purpose of meeting the expense incurred in making special or unusual examinations as above set forth.

FROM THE SPECIAL EXAMINER FUND

All fees and collections for special examinations are hereby appropriated as provided in Chapter 167, Session Laws of 1929.

ADJUTANT GENERAL

FROM THE GENERAL FUND

For Salaries fixed by law, Three Thousand Dollars..... \$ 3,000.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

For Salaries not fixed by law, Four Thousand Seven Hundred Dollars	4,700.00
For Capital, Repairs and Replacements, Two Hundred Forty-five Dollars	245.00
For rental of Drill Halls and Store Rooms, Eight Thousand Dollars	8,000.00
For Operation, Ten Thousand Fifty-five Dollars.....	10,055.00

BOARD OF HAIL INSURANCE

FROM HAIL INSURANCE ADMINISTRATIVE FUND

For Salaries fixed by law, Three Thousand Dollars.....	\$ 3,000.00
For Salaries not fixed by law and Expenses, Eight Thousand Nine Hundred Forty-five Dollars.....	8,945.00

FROM HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims in compliance with Chapter 26, Revised Codes of Montana, 1921.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For Salaries fixed by law, Five Thousand Dollars.....	\$ 5,000.00
For Salaries not fixed by law and Expenses, Thirty-one Thousand Five Hundred Dollars.....	31,500.00

FROM THE INDUSTRIAL ADMINISTRATIVE FUND

In addition to the above appropriation there is hereby appropriated all fees and collections accruing to the industrial administrative fund for Salaries and Expenses as provided in Section 2831, Revised Codes of Montana, 1921.

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay all claims which are lawfully chargeable to this fund, as defined under Chapter 213, of the Revised Codes of Montana, 1921, or any Acts amendatory thereto.

BOARD OF EXAMINERS OF COAL MINE INSPECTORS

FROM THE GENERAL FUND

For Salaries and Expenses, Three Hundred Seventy-five Dollars	\$ 375.00
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SESSION LAWS

BOARD OF EDUCATION

FROM THE GENERAL FUND

For Salaries and Expenses, Nine Hundred Fifty
Dollars \$ 950.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For Salary of one Clerk, One Thousand Eight
Hundred Dollars \$ 1,800.00

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For Salaries and Expenses in connection with Voca-
tional Education, Fourteen Thousand Dollars..... \$14,000.00

In addition to the foregoing amount, all income from Federal funds, known as the Vocational U. S. Aid fund, George Reed fund, and George Elzey fund, or any other Federal funds that may be available are hereby appropriated. No reimbursement shall be made to any of the units of the Greater University of Montana from the above general fund appropriation.

STATE ENTOMOLOGIST

FROM THE GENERAL FUND

For Expenses in the operation of the office of the State
Entomologist, Four Thousand Dollars..... \$ 4,000.00

TEXT BOOK COMMISSION

FROM THE GENERAL FUND

For Expenses, Six Hundred Dollars..... \$ 600.00

STATE LAW LIBRARY

FROM THE GENERAL FUND

For Salaries fixed by law, Four Thousand Three
Hundred Dollars \$ 4,300.00
For Capital, Repairs and Replacements, Three
Hundred Forty-five Dollars 345.00
For Operation, Three Hundred Twenty Dollars..... 320.00
For Legislative Reference Bureau, Seventy-five
Dollars 75.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of law books as provided in Section 1556, Revised Codes of Montana, 1921.

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

For Salaries not fixed by law, Four Thousand Two Hundred Dollars	\$ 4,200.00
For Capital, Repairs and Replacements, Six Hundred Dollars	600.00
For Operation, Four Hundred Sixty Dollars.....	460.00

STATE BOARD OF EXAMINERS

FROM THE GENERAL FUND

For Salaries fixed by law, Three Thousand Dollars.....	\$ 3,000.00
For Salaries not fixed by law, Five Thousand Seven Hundred Dollars	5,700.00
For Capital, Repairs and Replacements, Four Hundred Eighty-five Dollars	485.00
For Operation, One Thousand Four Hundred Fifteen Dollars	1,415.00

STATE ACCOUNTANT AND BUDGET OFFICE

FROM THE GENERAL FUND

For Salaries fixed by law, Four Thousand Dollars.....	\$ 4,000.00
For Salaries not fixed by law, Seven Thousand Dollars	7,000.00
For Capital, Repairs and Replacements, Four Hundred Seventy Dollars	470.00
For Operation, Two Thousand One Hundred Eighty-five Dollars	2,185.00

STATE ENGINEER

FROM THE GENERAL FUND

For Salaries fixed by law, Three Thousand Dollars.....	\$ 3,000.00
For Salaries not fixed by law, Two Thousand Four Hundred Dollars	2,400.00
For Capital, Repairs and Replacements and Operation, Nine Hundred Dollars	900.00

SESSION LAWS

For survey and studies of interstate waters in connection with the State of Wyoming, One Thousand Two Hundred and Fifty Dollars.....	1,250.00
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STREAM GAUGING

FROM THE GENERAL FUND

For Salaries and Expenses, Nine Thousand Dollars.....	\$ 9,000.00
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FROM THE CAREY LAND ACT FUND

For Salaries and Expenses, One Thousand Twenty-seven Dollars and Fifty Cents.....	\$ 1,027.50
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COMMISSIONER OF STATE LANDS AND INVESTMENTS

FROM THE GENERAL FUND

For Salaries fixed by law, Six Thousand Dollars.....	\$ 6,000.00
For Salaries not fixed by law, Sixteen Thousand Dollars	\$16,000.00
For Capital, Repairs and Replacements, One Thousand Two Hundred Twenty-seven Dollars.....	1,227.00
For Operation, Three Thousand Six Hundred Seventy-five Dollars	3,675.00

CHIEF FIELD AGENT

FROM THE GENERAL FUND

For Salaries fixed by law, Three Thousand Two Hundred Fifty Dollars	\$ 3,250.00
For Salaries not fixed by law, Five Thousand One Hundred Dollars	5,100.00
For Expenses, Six Thousand Four Hundred Dollars.....	6,400.00

FISH AND GAME COMMISSION

FROM THE FISH AND GAME FUND

All revenue available to carry out the provisions of Chapter 255, Revised Codes of Montana, 1921, or any supplementary or amendatory Acts thereto.

BOARD OF CHARITIES AND REFORMS

FROM THE GENERAL FUND

For Salaries and Expenses, One Hundred Dollars.....	\$ 100.00
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TWENTY-FOURTH LEGISLATIVE ASSEMBLY

BUREAU OF CHILD AND ANIMAL PROTECTION

FROM THE GENERAL FUND

For Salaries fixed by law, Two Thousand Five Hundred Dollars	\$ 2,500.00
For Salaries not fixed by law, Nine Thousand Seven Hundred Eighty Dollars	9,780.00
For Expenses, Three Thousand Dollars.....	3,000.00

TRANSPORTATION OF DEPENDENT CHILDREN

FROM THE GENERAL FUND

Transportation of Dependent Children, One Hundred Fifty Dollars	\$ 150.00
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CAPITOL BUILDING

FROM THE GENERAL FUND

For Salaries fixed by law, Twenty-five Thousand Four Hundred Ninety Dollars	\$25,490.00
For Salaries of Postmaster and Assistant, Three Thousand Dollars	3,000.00
For Capital, Repairs and Replacements, Seven Thou- sand Four Hundred Eighty Dollars.....	7,480.00
For Operation, Twelve Thousand Four Hundred Eighteen Dollars	12,418.00

G. A. R. CUSTODIAN

FROM THE GENERAL FUND

For Salary of Custodian, Nine Hundred Dollars.....	\$ 900.00
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BOARD OF ARCHITECTURAL EXAMINERS

FROM THE ARCHITECTURAL BOARD FUND

All revenue is hereby appropriated in compliance with Section 3237, Revised Codes of Montana, 1921.

BOARD OF MEDICAL EXAMINERS

FROM THE MEDICAL BOARD FUND

All revenue is hereby appropriated in compliance with Chapter 223, Revised Codes of Montana, 1921.

SESSION LAWS

BOARD OF CHIROPRACTIC EXAMINERS

FROM THE CHIROPRACTIC BOARD FUND

All revenue is hereby appropriated in compliance with Section 3150, Revised Codes of Montana, 1921.

STATE EXAMINING BOARD OF ABSTRACTORS

FROM THE ABSTRACTORS BOARD FUND

All revenue is hereby appropriated in compliance with Chapter 105, Session Laws of 1931.

VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

For Salaries and Expenses, Ten Thousand Dollars..... \$10,000.00

STATE LIQUOR CONTROL BOARD

FROM THE LIQUOR BOARD FUND

So much thereof as may be necessary to carry out the provisions of Chapter 105, Session Laws of 1933, or any Acts amendatory thereto.

OIL CONSERVATION BOARD

FROM THE OIL CONSERVATION BOARD FUND

So much thereof as may be necessary to carry out the provisions of Chapter 18, Laws of Extraordinary Session of 1933-1934.

BOARD OF EQUALIZATION

ADMINISTRATION

FROM THE GENERAL FUND

For Salaries fixed by law, Fifteen Thousand Dollars.... \$15,000.00

For Salaries not fixed by law, Fifteen Thousand,
Eight Hundred Twenty-five Dollars 15,825.00

For Capital, Repairs and Replacements, Five Hundred
Eighty-five Dollars 585.00

For Operation, Forty-eight Hundred Fifteen Dollars.... 4,815.00

BEER DIVISION

FROM THE MONTANA BEER ACT FUND

For Salaries not fixed by law, Eight Thousand,
Seven Hundred Dollars 8,700.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

For Capital, Repairs and Replacements, One Thousand, One Hundred Twenty-five Dollars.....	1,125.00
For Operation, Four Thousand, Eight Hundred Seventy-five Dollars	4,875.00

GASOLINE TAX DIVISION

FROM THE HIGHWAY FUND

For Salaries not fixed by law, Thirteen Thousand, Eight Hundred Dollars	\$13,800.00
For Expenses, Six Thousand, Four Hundred Fifty Dollars	6,450.00

GASOLINE DRAWBACKS

FROM THE GASOLINE DRAWBACK FUND

So much thereof as may be necessary to comply with the provisions of Chapter 168, Session Laws of 1929.

STORE LICENSE DIVISION

FROM THE STORE LICENSE FUND

For Salaries not fixed by law, Five Thousand One Hundred Fifty Dollars	\$ 5,150.00
For Expenses, Three Thousand Fifty-five Dollars.....	3,055.00

INCOME TAX DIVISION

FROM THE GENERAL FUND

For Salaries not fixed by law, Seven Thousand Nine Hundred Fifty Dollars	\$ 7,950.00
For Expenses, Two Thousand Fifty Dollars.....	2,050.00

FROM COMMON SCHOOL EQUALIZATION FUND

For Salaries and Expenses, Three Thousand Nine Hundred Seventy-five Dollars	\$ 3,975.00
For Expenses, One Thousand Twenty-five Dollars.....	1,025.00

FROM COMMON SCHOOL INTEREST AND INCOME FUND

For Salaries, Three Thousand Nine Hundred Seventy-five Dollars	\$ 3,975.00
For Expenses, One Thousand Twenty-five Dollars.....	1,025.00

SESSION LAWS

CIGARETTE LICENSE DIVISION

FROM THE GENERAL FUND

For Expenses, Three Hundred Dollars..... \$ 300.00

CONTRACTORS' LICENSE DIVISION

FROM CONTRACTORS' LICENSE TAX FUND

For Salaries and Expenses, One Thousand Eight
Hundred Fifteen Dollars \$ 1,815.00

TELEPHONE INSTRUMENT LICENSE DIVISION

FROM THE TELEPHONE INSTRUMENT LICENSE FUND

For Salaries and Expenses, so much thereof as may be necessary,
not to exceed five per centum (5%) of the current revenues, in
accordance with Chapter 54, Laws of the Extraordinary Session
of 1933-1934.

DEPARTMENT OF AGRICULTURE

ADMINISTRATION

FROM THE GENERAL FUND

For Salaries fixed by law, Five Thousand Dollars..... \$ 5,000.00
For Salaries not fixed by law, Four Thousand Dollars 4,000.00
For Capital, Repairs and Replacements, Two
Hundred Fifty Dollars 250.00
For Operation, One Thousand Five Hundred Dollars.. 1,500.00
For printing and publishing advertising matter deal-
ing with the tourist advantages of the State of Mon-
tana, Five Thousand Dollars 5,000.00

DAIRY DIVISION

FROM THE GENERAL FUND

For Salaries and Expenses, Eight Thousand Dollars.... 8,000.00

FROM THE DAIRY DIVISION REVOLVING FUND

For Salaries and Expenses, so much thereof as may be necessary
to pay lawful claims wherein funds are available.

GRAIN GRADING AND SCALE TESTING DIVISION

FROM THE GRAIN GRADING AND SCALE TESTING REVOLVING FUND

For Salaries and Expenses, so much thereof as may be necessary
to pay the lawful claims wherein funds are available.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

HORTICULTURE DIVISION

FROM THE GENERAL FUND

For Salaries and Expenses, Six Thousand Dollars..... \$ 6,000.00

FROM THE HORTICULTURE REVOLVING FUND (352-B)

For Salaries and Expenses, so much thereof as may be necessary to pay lawful claims wherein funds are available.

FROM THE HORTICULTURE REVOLVING FUND (Account 219)

So much thereof as may be necessary to carry out the provisions of Chapter 51, Session Laws of 1927, which related to the removal of infected trees.

FROM THE HIGHWAY FUND

For Salaries and Expenses, Forty-five Hundred Dollars \$ 4,500.00

DIVISION OF LABOR AND PUBLICITY

FROM THE GENERAL FUND

For Salaries and Expenses, Ten Thousand Dollars..... \$10,000.00

AGRICULTURE DIVISION

FROM THE AGRICULTURE REVOLVING FUND

For Salaries and Expenses, so much thereof as may be necessary to pay lawful claims wherein funds are available.

REAL ESTATE DIVISION

FROM THE REAL ESTATE REVOLVING FUND

For Salaries and Expenses, so much thereof as may be necessary to pay lawful claims wherein funds are available.

DIVISION OF COMMERCIAL FERTILIZER

FROM THE FERTILIZER REVOLVING FUND

For Salaries and Expenses, so much thereof as may be necessary to pay lawful claims wherein funds are available.

STATE PURCHASING AGENT

FROM THE GENERAL FUND

For Salaries fixed by law, Five Thousand Dollars..... \$ 5,000.00

For Salaries not fixed by law, and Expenses, Four Thousand Nine Hundred Five Dollars..... 4,905.00

SESSION LAWS

FROM THE HIGHWAY FUND

For Salaries not fixed by law, and Expenses, Five
Thousand Dollars \$ 5,000.00

FROM THE UNIVERSITY MILLAGE FUND

For Salaries not fixed by law, and Expenses, Five
Thousand Dollars \$ 5,000.00

FROM THE FISH AND GAME FUND

For Salaries not fixed by law, and Expenses, Five
Hundred Dollars \$ 500.00

ORTHOPEDIC COMMISSION

FROM THE GENERAL FUND

For Salaries and Expenses, Twenty-five Thousand
Dollars \$25,000.00

STATE FORESTER

ADMINISTRATION

FROM THE GENERAL FUND

For Salaries fixed by law, Three Thousand Dollars..... \$ 3,000.00
For Salaries not fixed by law, Four Thousand Five
Hundred Fifty Dollars 4,550.00
For Capital, Repairs and Replacements, Four
Hundred Dollars 400.00
For Operation, Six Hundred Seventy-five Dollars..... 675.00

PROTECTION OF STATE LANDS

FROM THE GENERAL FUND

For Salaries and Expenses, Thirteen Thousand Four
Hundred Forty-eight Dollars \$13,448.00

TIMBER SALES

FROM THE GENERAL FUND

For Salaries and Expenses, Five Thousand Eight
Hundred Seventy Dollars \$ 5,870.00

In addition to the above appropriations, there is hereby appropriated all revenue received by the Forester's co-operative fund for use in the protection of state lands and brush and slash disposal; provided, however, no administrative salaries shall be paid out of this fund.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

MOTOR VEHICLE DEPARTMENT

FROM THE MOTOR VEHICLE FUND

So much thereof as may be necessary to pay lawful claims, to be collected from the motor vehicle funds of the respective counties, in proportion to the number of cars registered in each county as provided in Chapter 38, Laws of the Extraordinary Session of 1933-1934.

FROM THE MOTOR VEHICLE RECORDING FUND

So much thereof as may be necessary to pay lawful claims as provided in Chapter 159, Session Laws of 1933.

FROM THE AUTO THEFT FUND

So much thereof as may be necessary to pay lawful claims as provided in Chapter 113, Session Laws of 1925.

ATHLETIC COMMISSION

FROM THE VETERANS' MEMORIAL FUND

So much thereof as may be necessary to pay lawful claims as provided in Chapter 103, Session Laws of 1927.

SALARIES AND EXPENSES OF DISTRICT JUDGES

FROM THE GENERAL FUND

For Salaries and Expenses, One Hundred Twenty
Thousand Dollars\$120,000.00

SALARIES OF COUNTY ATTORNEYS

FROM THE GENERAL FUND

For Salaries, Fifty Thousand Dollars..... \$50,000.00

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the Expense of Trans-
porting Prisoners, Ten Thousand Dollars..... \$10,000.00

PUBLIC SCHOOL TEACHERS' RETIREMENT

FROM THE PUBLIC SCHOOL TEACHERS' RETIRE-
MENT FUND

So much thereof as may be necessary as provided in Chapter 150, Session Laws of 1927.

SESSION LAWS

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1936, and ending June 30, 1937.

LIVESTOCK SANITARY BOARD AND VETERINARY SURGEON

FROM THE GENERAL FUND

For Salaries and Expenses, Fifty Thousand Dollars.... \$50,000.00

FROM THE LIVESTOCK SANITARY BOARD FUND

For the payment of slaughtered stock, as provided in Chapter 234, Revised Codes of Montana, 1921, and for Salaries and Expenses of the Livestock Sanitary Board, such sums as may be available.

FROM THE LIVESTOCK SANITARY BOARD EMER- GENCY FUND

For the payment of emergencies arising out of the operation of the Livestock Sanitary Board, as much as may be required when such emergency is declared to exist by said Livestock Sanitary Board, as provided in Section 2078, Revised Codes of Montana, 1921, as amended by Chapter 152, Session Laws of 1929.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For Salaries and Expenses, Twenty Thousand Dollars.. \$20,000.00

FROM THE LIVESTOCK COMMISSION FUND

All collections are hereby appropriated for Salaries and Expenses in connection with the work of the commission, as provided in Section 3257, Revised Codes of Montana, 1921.

FROM THE BOUNTY FUND

For the Salary of one Clerk, One Thousand Four
Hundred Forty Dollars \$ 1,440.00

For the payment of Bounty Claims, so much thereof as may be necessary, as provided in Section 3414, Revised Codes of Montana, 1921.

FROM THE STOCK ESTRAY FUND

So much thereof as may be necessary for the payment of Estray Claims, as provided in Section 3331, Revised Codes of Montana, 1921.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

BUREAU OF CIVILIAN REHABILITATION

FROM THE GENERAL FUND

For Salaries not fixed by law, Five Thousand Three Hundred Dollars	\$ 5,300.00
For Expenses, Three Thousand Seven Hundred Dollars	3,700.00
For the payment of maintenance of vocational trainees, Nine Thousand Dollars	9,000.00

FROM THE CIVILIAN REHABILITATION U. S. AID FUND

For Salaries and Expenses as much thereof as may be available
in compliance with Chapter 216, Revised Codes of Montana, 1921.

BOARD OF ENTOMOLOGY

FROM THE GENERAL FUND

For Salaries and Expenses, Five Hundred Dollars.....	\$ 500.00
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BOARD OF HEALTH

FROM THE GENERAL FUND

For Salaries fixed by law, Five Thousand Dollars.....	\$ 5,000.00
For Salaries not fixed by law, Thirty Thousand Dollars	30,000.00
For Capital, Repairs and Replacements, Three Hundred Dollars	300.00
For Operation, Fifteen Hundred Dollars.....	1,500.00

CHILD WELFARE DIVISION

FROM THE GENERAL FUND

For Salaries and Expenses, Nine Thousand Dollars.....	\$ 9,000.00
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FROM THE BOARD OF HEALTH REVOLVING FUND

All fees and earnings are hereby appropriated to be used in connection with the Board of Health and Child Welfare Division as Expenses. The amounts above appropriated are declared to be in addition to any money received for any special work, in connection with the Board of Health or the Child Welfare Division, for which it is received.

STATE EXAMINER

FROM THE GENERAL FUND

For Salaries fixed by law, Thirty-one Thousand Five Hundred Dollars	\$31,500.00
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SESSION LAWS

For Salaries not fixed by law, Eight Thousand Eighty Dollars	8,080.00
For Capital, Repairs and Replacements, Five Hundred Ninety Dollars	590.00
For Operation, Thirteen Thousand Four Hundred Forty-five Dollars	13,445.00

FROM THE SPECIAL EXAMINER FUND

All fees and collections for special examinations are hereby appropriated as provided in Chapter 167, Session Laws of 1929.

ADJUTANT GENERAL

FROM THE GENERAL FUND

For Salaries fixed by law, Three Thousand Dollars.....	\$ 3,000.00
For Salaries not fixed by law, Four Thousand Seven Hundred Dollars	4,700.00
For Capital, Repairs and Replacements, Two Hundred Forty-five Dollars	245.00
For Rental of Drill Halls and Store Rooms, Eight Thousand Dollars	8,000.00
For Operation, Ten Thousand Fifty-five Dollars.....	10,055.00

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For Salaries fixed by law, Three Thousand Dollars.....	\$ 3,000.00
For Salaries not fixed by law, and Expenses, Eight Thousand Nine Hundred Forty-five Dollars.....	8,945.00

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims in compliance with Chapter 26, Revised Codes of Montana, 1921.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For Salaries fixed by law, Five Thousand Dollars.....	\$ 5,000.00
For Salaries not fixed by law, and Expenses, Thirty- one Thousand Five Hundred Dollars.....	31,500.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

FROM THE INDUSTRIAL ADMINISTRATIVE FUND

In addition to the above appropriation, there is hereby appropriated all fees and collections accruing to the industrial administrative fund for Salaries and Expenses, as provided in Section 2831, Revised Codes of Montana, 1921.

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay all claims which are lawfully chargeable to this fund, as defined under Chapter 213, of Revised Codes of Montana, 1921, or any Act amendatory thereto.

BOARD OF EXAMINERS OF COAL MINE INSPECTORS

FROM THE GENERAL FUND

For Salaries and Expenses, Three Hundred Seventy-five Dollars \$ 375.00

BOARD OF EDUCATION

FROM THE GENERAL FUND

For Salaries and Expenses, Nine Hundred Fifty Dollars \$ 950.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For Salary of one (1) Clerk, Eighteen Hundred Dollars \$ 1,800.00

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For Salaries and Expenses in connection with Vocational Education, Fourteen Thousand Dollars..... \$14,000.00

In addition to the foregoing amount, all income from Federal funds, known as the Vocational U. S. Aid fund, George Reed fund and George Ellzey fund, or any other Federal funds that may be available are hereby appropriated. No reimbursement shall be made to any of the units of the Greater University of Montana from the above general fund appropriation.

STATE ENTOMOLOGIST

FROM THE GENERAL FUND

For Expenses in the Operation of the office of the State Entomologist, Four Thousand Dollars..... \$ 4,000.00

SESSION LAWS

STATE LAW LIBRARY

FROM THE GENERAL FUND

For Salaries fixed by law, Four Thousand Three Hundred Dollars	\$ 4,300.00
For Capital, Repairs and Replacements, One Hundred Ten Dollars	110.00
For Operation, Three Hundred Twenty Dollars.....	320.00
For Legislative Reference Bureau, Seventy-five Dollars	75.00

FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of law books, as provided in Section 1556, Revised Codes of Montana, 1921.

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

For Salaries not fixed by law, Four Thousand Two Hundred Dollars	\$ 4,200.00
For Capital, Repairs and Replacements, Six Hundred Dollars	600.00
For Operation, Four Hundred Sixty Dollars.....	460.00

STATE BOARD OF EXAMINERS

FROM THE GENERAL FUND

For Salaries fixed by law, Three Thousand Dollars.....	\$ 3,000.00
For Salaries not fixed by law, Five Thousand Seven Hundred Dollars	5,700.00
For Capital, Repairs and Replacements, Four Hundred Eighty-five Dollars	485.00
For Operation, One Thousand Three Hundred Eighty Dollars	1,380.00

STATE ACCOUNTANT AND BUDGET OFFICE

FROM THE GENERAL FUND

For Salaries fixed by law, Four Thousand Dollars.....	\$ 4,000.00
For Salaries not fixed by law, Seven Thousand Dollars	7,000.00
For Capital, Repairs and Replacements, Two Hundred Eighty-five Dollars	285.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

For Operation, Two Thousand One Hundred Eighty Dollars	2,180.00
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STATE ENGINEER

FROM THE GENERAL FUND

For Salaries fixed by law, Three Thousand Dollars.....	\$ 3,000.00
For Salaries not fixed by law, Two Thousand Four Hundred Dollars	2,400.00
For Capital, Repairs and Replacements, and Opera- tion, Nine Hundred Dollars	900.00
For survey and studies of interstate waters in connec- tion with the State of Wyoming, One Thousand Two Hundred Fifty Dollars	1,250.00

STREAM GAUGING

FROM THE GENERAL FUND

For Salaries and Expenses, Nine Thousand Dollars.....	\$ 9,000.00
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FROM THE CAREY LAND ACT FUND

For Salaries and Expenses, One Thousand Twenty- seven Dollars and Fifty Cents	\$ 1,027.50
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COMMISSIONER OF LANDS AND INVESTMENTS

FROM THE GENERAL FUND

For Salaries fixed by law, Six Thousand Dollars.....	\$ 6,000.00
For Salaries not fixed by law, Sixteen Thousand Dollars	16,000.00
For Capital, Repairs and Replacements, Three Hun- dred Seventy-five Dollars	375.00
For Operation, Three Thousand Nine Hundred Twenty-five Dollars	3,925.00

CHIEF FIELD AGENT

FROM THE GENERAL FUND

For Salaries fixed by law, Three Thousand Two Hundred Fifty Dollars	\$ 3,250.00
For Salaries not fixed by law, Five Thousand One Hundred Dollars	5,100.00
For Expenses, Six Thousand Four Hundred Dollars....	6,400.00

SESSION LAWS

FISH AND GAME COMMISSION

FROM THE FISH AND GAME FUND

All revenue available to carry out the provisions of Chapter 255, Revised Codes of Montana, 1921, or any supplementary or amendatory Acts thereto.

BOARD OF CHARITIES AND REFORMS

FROM THE GENERAL FUND

For Salaries and Expenses, One Hundred Dollars..... \$ 100.00

BUREAU OF CHILD AND ANIMAL PROTECTION

FROM THE GENERAL FUND

For Salaries fixed by law, Two Thousand Five
Hundred Dollars \$ 2,500.00

For Salaries not fixed by law, Nine Thousand Seven
Hundred Eighty Dollars 9,780.00

For Expenses, Three Thousand Dollars..... 3,000.00

TRANSPORTATION OF DEPENDENT CHILDREN

FROM THE GENERAL FUND

Transportation of Dependent Children, One Hundred
Fifty Dollars \$ 150.00

CAPITOL BUILDING

FROM THE GENERAL FUND

For Salaries fixed by law, Twenty-five Thousand
Four Hundred Ninety Dollars \$25,490.00

For Salaries of Postmaster and Assistant, Three
Thousand Dollars 3,000.00

For Capital, Repairs and Replacements, Four
Thousand Sixty-five Dollars 4,065.00

For Operation, Twelve Thousand Six Hundred
Eighteen Dollars 12,618.00

G. A. R. CUSTODIAN

FROM THE GENERAL FUND

For Salary of Custodian, Nine Hundred Dollars..... \$ 900.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

BOARD OF ARCHITECTURAL EXAMINERS

FROM THE ARCHITECTURAL BOARD FUND

All revenue is hereby appropriated in compliance with Section 3237, Revised Codes of Montana, 1921.

BOARD OF MEDICAL EXAMINERS

FROM THE MEDICAL BOARD FUND

All revenue is hereby appropriated in compliance with Chapter 223, Revised Codes of Montana, 1921.

BOARD OF CHIROPRACTIC EXAMINERS

FROM THE CHIROPRACTIC BOARD FUND

All revenue is hereby appropriated in compliance with Section 3150, Revised Codes of Montana, 1921.

STATE EXAMINING BOARD OF ABSTRACTORS

FROM THE ABSTRACTORS' BOARD FUND

All revenue is hereby appropriated in compliance with Chapter 105, Session Laws of 1931.

VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

For Salaries and Expenses, Ten Thousand Dollars..... \$10,000.00

STATE LIQUOR CONTROL BOARD

FROM THE LIQUOR BOARD FUND

So much thereof as may be necessary to carry out the provisions of Chapter 105, Session Laws of 1933, or any Acts amendatory thereto.

OIL CONSERVATION BOARD

FROM THE OIL CONSERVATION BOARD FUND

So much thereof as may be necessary to carry out the provisions of Chapter 18, Laws of Extraordinary Session of 1933-1934.

BOARD OF EQUALIZATION

ADMINISTRATION

FROM THE GENERAL FUND

For Salaries fixed by law, Fifteen Thousand Dollars.... \$15,000.00

For Salaries not fixed by law, Fifteen Thousand Eight

Hundred Twenty-five Dollars 15,825.00

SESSION LAWS

For Capital, Repairs and Replacements, Five Hundred Eighty-five Dollars	585.00
For Operation, Four Thousand Eight Hundred Fifteen Dollars	4,815.00

BEER DIVISION

FROM THE MONTANA BEER ACT FUND

For Salaries not fixed by law, Eight Thousand Seven Hundred Dollars	\$ 8,700.00
For Capital, Repairs and Replacements, One Hundred Twenty-five Dollars	125.00
For Operation, Four Thousand Eight Hundred Seventy-five Dollars	4,875.00

GASOLINE TAX DIVISION

FROM THE HIGHWAY FUND

For Salaries not fixed by law, Thirteen Thousand Eight Hundred Dollars	\$13,800.00
For Expenses, Six Thousand Four Hundred Five Dollars	6,405.00

GASOLINE DRAWBACKS

FROM THE GASOLINE DRAWBACK FUND

So much thereof as may be necessary to comply with the provisions of Chapter 168, Session Laws of 1929.

STORE LICENSE DIVISION

FROM THE STORE LICENSE FUND

For Salaries not fixed by law, Five Thousand One Hundred Fifty Dollars	\$ 5,150.00
For Expenses, Three Thousand Fifty-five Dollars.....	3,055.00

INCOME TAX DIVISION

FROM THE GENERAL FUND

For Salaries not fixed by law, Seven Thousand Nine Hundred Fifty Dollars	\$ 7,950.00
For Expenses, Two Thousand Fifty Dollars.....	2,050.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

FROM THE COMMON SCHOOL EQUALIZATION FUND

For Salaries and Expenses, Three Thousand Nine Hundred Seventy-five Dollars	\$ 3,975.00
For Expenses, One Thousand Twenty-five Dollars.....	1,025.00

FROM THE COMMON SCHOOL INTEREST AND INCOME FUND

For Salaries, Three Thousand Nine Hundred Seventy- five Dollars	\$ 3,975.00
For Expenses, One Thousand Twenty-five Dollars.....	1,025.00

CIGARETTE LICENSE DIVISION

FROM THE GENERAL FUND

For Expenses, Three Hundred Dollars.....	\$ 300.00
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As provided in Chapter 28, Laws of the Extraordinary Session
of 1933-1934.

CONTRACTORS' LICENSE DIVISION

FROM CONTRACTORS' LICENSE TAX FUND

For Salaries and Expenses, One Thousand Eight Hundred Fifteen Dollars	\$ 1,815.00
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TELEPHONE INSTRUMENT LICENSE DIVISION

FROM THE TELEPHONE INSTRUMENT LICENSE FUND

For Salaries and Expenses as much thereof as may be necessary,
not to exceed five per cent (5%) of the current revenues, in ac-
cordance with Chapter 54, Laws of Extraordinary Session of 1933-
1934.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY

FROM THE GENERAL FUND

ADMINISTRATION

For Salaries fixed by law, Five Thousand Dollars.....	\$ 5,000.00
For Salaries not fixed by law, Four Thousand Dollars..	4,000.00
For Capital, Repairs and Replacements, Two Hundred and Fifty Dollars	250.00
For Operation, One Thousand Five Hundred Dollars....	1,500.00
For printing and publishing advertising matter deal- ing with the tourist advantages of the State of Mon- tana, Five Thousand Dollars	5,000.00

SESSION LAWS

DAIRY DIVISION

FROM THE DAIRY DIVISION REVOLVING FUND

For Salaries and Expenses so much thereof as may be necessary to pay lawful claims wherein funds are available.

GRAIN GRADING AND SCALE TESTING DIVISION

FROM THE GRAIN GRADING AND SCALE TESTING
REVOLVING FUND

For Salaries and Expenses so much thereof as may be necessary to pay lawful claims wherein funds are available.

HORTICULTURE DIVISION

FROM THE HORTICULTURE REVOLVING FUND (352-B)

For Salaries and Expenses so much thereof as may be necessary to pay lawful claims wherein funds are available.

FROM THE STATE HORTICULTURE REVOLVING FUND (219)

So much thereof as may be necessary to carry out the provisions of Chapter 51, Session Laws of 1927, which relates to the removal of infected trees.

FROM THE HIGHWAY FUND

For Salaries and Expenses, Forty-five Hundred

Dollars \$ 4,500.00

DIVISION OF LABOR AND PUBLICITY

FROM THE GENERAL FUND

For Salaries and Expenses, Ten Thousand Dollars..... \$10,000.00

AGRICULTURE DIVISION

FROM THE AGRICULTURE REVOLVING FUND

For Salaries and Expenses so much thereof as may be necessary to pay lawful claims wherein funds are available.

REAL ESTATE DIVISION

FROM THE REAL ESTATE REVOLVING FUND

For Salaries and Expenses so much thereof as may be necessary to pay lawful claims wherein funds are available.

DIVISION OF COMMERCIAL FERTILIZER

FROM THE FERTILIZER REVOLVING FUND

For Salaries and Expenses so much thereof as may be necessary to pay lawful claims wherein funds are available.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

PURCHASING AGENT

FROM THE GENERAL FUND

For Salaries fixed by law, Five Thousand Dollars.....	\$ 5,000.00
For Salaries not fixed by law and Expenses, Four Thousand Nine Hundred Five Dollars.....	4,905.00

FROM THE HIGHWAY FUND

For Salaries not fixed by law and Expenses, Five Thousand Dollars	\$ 5,000.00
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FROM THE UNIVERSITY MILLAGE FUND

For Salaries not fixed by law and Expenses, Five Thousand Dollars	\$ 5,000.00
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FROM THE FISH AND GAME FUND

For Salaries not fixed by law and Expenses, Five Hundred Dollars	\$ 500.00
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ORTHOPEDIC COMMISSION

FROM THE GENERAL FUND

For Salaries and Expenses, Twenty-five Thousand Dollars	\$25,000.00
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STATE FORESTER

ADMINISTRATION

FROM THE GENERAL FUND

For Salaries fixed by law, Three Thousand Dollars.....	\$ 3,000.00
For Salaries not fixed by law, Four Thousand Five Hundred Fifty Dollars	4,550.00
For Capital, Repairs and Replacements, Four Hundred Dollars	400.00
For Operation, Six Hundred Seventy-five Dollars.....	675.00

FOR PROTECTION OF STATE LANDS

FROM THE GENERAL FUND

For Salaries and Expenses, Thirteen Thousand Four Hundred Forty-eight Dollars	\$13,448.00
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SESSION LAWS

TIMBER SALES

FROM THE GENERAL FUND

For Salaries and Expenses, Five Thousand Eight
Hundred Seventy Dollars \$ 5,870.00

In addition to the above appropriations, there is hereby appropriated all revenue received by the Forester's cooperative fund for the use in protection of state lands and brush and slash disposal; provided, however, no administrative salaries shall be paid out of this fund.

MOTOR VEHICLE DEPARTMENT

FROM THE MOTOR VEHICLE FUND

So much thereof as may be necessary to pay lawful claims to be collected from the motor vehicle funds of the respective counties in proportion to the number of cars registered in each county, as provided in Chapter 38, Laws of the Extraordinary Session of 1933-1934.

FROM THE MOTOR VEHICLE RECORDING FUND

So much thereof as may be necessary to pay lawful claims as provided in Chapter 159, Session Laws of 1933.

FROM THE AUTO THEFT FUND

So much thereof as may be necessary to pay lawful claims as provided in Chapter 113, Session Laws of 1925.

ATHLETIC COMMISSION

FROM THE VETERANS' MEMORIAL FUND

So much thereof as may be necessary to pay lawful claims as provided in Chapter 103, Session Laws of 1927.

SALARIES AND EXPENSES OF DISTRICT JUDGES

FROM THE GENERAL FUND

For Salaries and Expenses, One Hundred Twenty
Thousand Dollars\$120,000.00

SALARIES OF COUNTY ATTORNEYS

FROM THE GENERAL FUND

For Salaries, Fifty Thousand Dollars..... \$50,000.00

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the Expense of Transporting Prisoners, Ten Thousand Dollars..... \$10,000.00

PUBLIC SCHOOL TEACHERS' RETIREMENT

FROM THE PUBLIC SCHOOL TEACHERS' RETIREMENT FUND

So much thereof as may be necessary, as provided in Chapter 150, Session Laws of 1927.

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this Act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have specific appropriations from sources other than the general fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used, when available, before using the appropriations from the general fund.

Section 6. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provision of the Budget Act.

Approved March 11, 1935.

HOUSE BILL NO. 533

An Act to Appropriate Money for the Operation and Maintenance of Certain Boards, Departments, State Institutions and State Offices for the Period Ending June 30, 1935, it Having Been Found That the Appropriations Provided by the Twenty-third Legislative Assembly Were Insufficient for the Above Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any money in the state general fund, or any special funds enumerated herein, not otherwise appropriated for the objects and purposes hereinafter expressed for the fiscal year ending June 30, 1935.

SESSION LAWS

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For Salaries, Twelve Hundred Dollars.....	\$ 1,200.00
For Other Operation, Fifteen Hundred Dollars.....	1,500.00

SECRETARY OF STATE

FROM THE GENERAL FUND

For Other Operation, Ten Hundred Thirty Dollars.....	\$ 1,030.00
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SUPREME COURT

FROM THE GENERAL FUND

For Salaries, Sixteen Thousand One Hundred Dollars....	\$16,100.00
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ATTORNEY GENERAL

FROM THE GENERAL FUND

For Salaries, Two Thousand Eight Hundred Eighty Dollars	\$ 2,880.00
For Other Operation, Fourteen Hundred Dollars.....	1,400.00

RAILROAD COMMISSION

RAILROAD AND PUBLIC SERVICE DIVISION

FROM THE GENERAL FUND

For Salaries, Three Hundred Thirty-three Dollars and Thirty-five Cents	\$ 333.35
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OIL AND GAS DIVISION

FROM THE GENERAL FUND

For Other Operation, Seven Hundred Fifty Dollars.....	\$ 750.00
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GASOLINE LICENSING DIVISION

FROM THE GASOLINE INSPECTION FUND

There is hereby appropriated from the gasoline inspection fund all money available for Salaries and Expenses in connection with the work of the Gasoline Inspection Department, as defined under Chapter 108, of the Session Laws of 1927, and as amended under Chapter 192 of the Session Laws of 1931.

SCHOOL FOR DEAF AND BLIND

FROM THE GENERAL FUND

For Salaries, Seven Thousand Two Hundred Forty-five Dollars	\$ 7,245.00
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TWENTY-FOURTH LEGISLATIVE ASSEMBLY

Capital and Repairs, Two Thousand Dollars.....	2,000.00
For Operation, Thirty-three Thousand Five Hundred Nine Dollars and Twelve Cents	33,509.12

ORPHANS' HOME

FROM THE GENERAL FUND

Other Operation, Ten Thousand Dollars.....	\$10,000.00
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INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

For Salaries, Two Thousand Dollars	\$ 2,000.00
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VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

For Salaries, Thirty-five Hundred Dollars.....	\$ 3,500.00
For Capital and Repairs, Five Hundred Dollars.....	500.00
For Other Operation, Six Thousand Dollars.....	6,000.00

STATE PRISON

FROM THE GENERAL FUND

For Salaries, Eleven Thousand Dollars.....	\$11,000.00
For Capital and Repairs, Two Thousand Dollars.....	2,000.00
For Other Operation, Thirty-two Thousand Dollars.....	32,000.00

STATE HOSPITAL

FROM THE GENERAL FUND

For Salaries, Fifteen Thousand Dollars.....	\$15,000.00
For Capital and Repairs, Six Thousand Dollars.....	6,000.00
For moving one building and moving and reconstruc- tion of one building, Six Thousand Dollars.....	6,000.00
For Other Operation, Twenty-eight Thousand Four Hundred Forty-seven Dollars and Twenty-eight Cents	28,447.28

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For Salaries, Fifteen Hundred Dollars.....	\$ 1,500.00
For Other Operation, Thirty-two Hundred Dollars.....	3,200.00

SESSION LAWS

LAW LIBRARY

FROM THE GENERAL FUND

For Salaries, Nineteen Hundred Seventy Dollars.....\$ 1,970.00

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

For Salaries, Nineteen Hundred Twenty Dollars.....\$ 1,920.00

BOARD OF EXAMINERS

FROM THE GENERAL FUND

For Salaries, Thirteen Hundred Twenty-five Dollars....\$ 1,325.00

For Capital, Repairs and Other Operation, Three
Hundred Dollars 300.00

COMMISSIONER OF LANDS AND INVESTMENTS

FROM THE GENERAL FUND

For Salaries, Seven Thousand Six Hundred Dollars.....\$ 7,600.00

BUREAU OF CHILD AND ANIMAL PROTECTION

FROM THE GENERAL FUND

For Salaries, Twenty-two Hundred Fifty Dollars.....\$ 2,250.00

CAPITOL BUILDING

FROM THE GENERAL FUND

For Salaries, Twenty-two Hundred Dollars.....\$ 2,200.00

For Repairs to Capitol, Six Hundred Seventy-two
Dollars and Seventy Cents 672.70

For Other Operation, Three Thousand Dollars..... 3,000.00

DEPARTMENT OF AGRICULTURE

ADMINISTRATION

FROM THE GENERAL FUND

For Salaries, Thirty-two Hundred Twenty Dollars.....\$ 3,220.00

REAL ESTATE DIVISION

FROM THE REAL ESTATE REVOLVING FUND

There is hereby appropriated all balances and collections to the real estate revolving fund, for the use of the Real Estate Division in the Department of Agriculture.

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

STATE EXAMINER

FROM THE GENERAL FUND

For Salaries, Two Thousand Dollars.....\$ 2,000.00

PURCHASING AGENT

FROM THE GENERAL FUND

For Salaries, One Thousand Dollars.....\$ 1,000.00

FROM THE MILLAGE FUND

For Salaries and Expenses, Five Hundred Dollars.....\$ 500.00

FROM THE HIGHWAY FUND

For Salaries and Expenses, Five Hundred Dollars.....\$ 500.00

CIVILIAN REHABILITATION

FROM THE GENERAL FUND

For Operation, One Thousand Dollars.....\$ 1,000.00

For maintenance of trainees, Five Hundred Dollars..... 500.00

Section 2. In addition to the above appropriations provided, the following transfers are hereby authorized between the different appropriations for the respective state offices, departments and institutions which the Twenty-third Legislative Assembly provided.

ATTORNEY GENERAL

There is hereby transferred from the appropriation for "Other Operation" for the Farm Loan Division to the "Salary" appropriation for said division, Fourteen Hundred Dollars\$ 1,400.00

STATE TREASURER

There is hereby transferred from the appropriation for "Other Operation" to the appropriation for "Salaries", the sum of Three Hundred Dollars.....\$ 300.00

ADJUTANT GENERAL

There is hereby transferred from the appropriation for "Rent of Drill Halls and Store Rooms" to the appropriation for "Salaries", the sum of Fourteen Hundred Dollars\$ 1,400.00

There is hereby transferred from the appropriation for "Rent of Drill Halls and Store Rooms" to the appropriation for "Capital and Repairs and Other Operation", the sum of One Thousand Dollars..... 1,000.00

SESSION LAWS

STATE EXAMINER

There is hereby transferred from the appropriation for
"Other Operation" to the appropriation for "Sal-
aries" the sum of Two Thousand Five Hundred Dol-
lars\$ 2,500.00

INDUSTRIAL SCHOOL

There is hereby transferred from the appropriation for
"Capital and Repairs" to the appropriation for "Sal-
aries", the sum of Four Thousand One Hundred Ten
Dollars\$ 4,110.00

Section 3. It is the intent of this Act that the appropriations contained herein, for the several boards, departments, institutions and state offices, are additional to the appropriations provided by the Twenty-third Legislative Assembly, and the appropriations and transfers contained herein shall become a part of the original appropriations and operative under the same laws as the original appropriations which were provided by the Twenty-third Legislative Assembly.

Section 4. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1935.

HOUSE BILL NO. 535

An Act Appropriating Money for the Payment of Certain Claims for Refund of Gasoline Tax Paid by the Various Departments of the United States Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums of money or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, in the gasoline drawback fund, not otherwise appropriated, for the purpose of paying the following claims of the United States Government for gasoline tax paid by the various departments of the said Government, Thirty and 35/100 Dollars (\$30.35), more particularly itemized as follows:

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

United States Comptroller General, various departments, Twenty-two and 95/100 Dollars	\$22.95
Treasurer of the United States, various departments, Seven and 40/100 Dollars	7.40

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

HOUSE BILL NO. 536

An Act to appropriate Money for the Payment of Certain Deficiency Claims Arising Out of the Operation of the Vocational School for Girls.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or as much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated for the purpose of paying the following deficiency claims arising out of the operation of the Vocational School for Girls in the sum of One Hundred Thirty-nine Dollars and Fourteen Cents (\$139.14) which is more particularly itemized as follows:

Montana Power Company, One Hundred Twenty-seven Dollars and Forty-four Cents	\$127.44
Lola B. Ives, Superintendent, Eleven Dollars and Seventy Cents	11.70

Section 2. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

SESSION LAWS

HOUSE BILL NO. 537

An Act to appropriate Money for the Payment of Certain Deficiency Claims Arising Out of the Operation of the Orthopedic Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the Orthopedic Commission.

For obligations incurred by the Orthopedic Commission, Two Thousand Three Hundred Forty-four and 60/100 Dollars, \$2,344.60, more particularly itemized as follows:

Dr. E. M. Porter	\$ 481.50
Dr. Louis W. Allard	120.00
Ernest L. Roberts	7.50
St. Vincent's Hospital	1,319.60
Montana Deaconess Hospital	352.50
St. Joseph's Hospital	63.50

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

HOUSE BILL NO. 538

An Act to appropriate Money for the Refund of Excessive Collection of Taxes by the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed:

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

For the refund of excessive collection of taxes by the State of Montana, One Hundred Forty-three and 23/100 Dollars (\$143.23), more particularly itemized as follows:

Treasurer of Toole County, Seven and 95/100 Dollars.....	\$ 7.95
Treasurer of Meagher County, Forty-two and 47/100 Dollars	42.47
Treasurer of Yellowstone County, Ninety-two and 81/100 Dollars	92.81

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

HOUSE BILL NO. 539

An Act to appropriate Money for Fire Insurance Premiums on All State Buildings and Contents Out of Any Money in the General Fund or Any Special Funds Enumerated Herein.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any money in the State Treasury, and from special funds enumerated herein, not otherwise appropriated for the objects and purposes hereinafter expressed for the period beginning July 1, 1935, and ending June 30, 1937.

FIRE INSURANCE ON STATE BUILDINGS AND CONTENTS FROM THE GENERAL FUND

For Fire Insurance Premiums on all buildings and contents for the following institutions and departments;
State Capitol Group, School for Deaf and Blind, Orphans' Home, Industrial School, Vocational School, State Prison, State Hospital, Tuberculosis Sanitarium, Soldiers' Home, Forty-eight Thousand Dollars.....\$48,000.00

SESSION LAWS

FROM THE UNIVERSITY MILLAGE FUND

For Fire Insurance Premiums on buildings and contents
of the Greater University of Montana, Twenty-five
Thousand Dollars\$25,000.00

FROM THE FISH AND GAME FUND

For Fire Insurance Premiums on buildings and contents
owned by the Fish and Game Department, Five Thou-
sand Dollars\$ 5,000.00

FROM THE HIGHWAY FUND

For Fire Insurance Premiums on buildings and contents
owned by the Highway Department, Five Thousand
Dollars\$ 5,000.00

Section 2. Provided further, that all appropriations contained
herein shall be used for the purposes designated and no other.

Section 3. Appropriations hereinabove provided for shall be
deemed and held valid notwithstanding the provisions of the Bud-
get Act.

Approved March 13, 1935.

HOUSE BILL NO. 540

An Act to Appropriate Money for the Payment of Expenses of the
Twenty-fourth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may
be necessary, be, and the same are hereby appropriated out of any
moneys in the State Treasury, not otherwise appropriated, for the
objects and purposes hereinafter expressed.

For the payment of incidental expenses of the Twenty-
fourth Legislative Assembly of the State of Montana,
Twelve Thousand Five Hundred Dollars.....\$12,500.00

Section 2. Any amount or amounts remaining in any appro-
priation for the Twenty-fourth Legislative Assembly may be trans-
ferred to supplement the amount or amounts remaining in any other
appropriations for the Twenty-fourth Legislative Assembly; pro-
vided, that the aggregate amount of all such appropriations shall
be neither increased nor decreased.

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Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1935.

HOUSE RESOLUTION NO. 5

A Resolution Requesting the Enactment by Congress of the Lundeen Bill, Which Provides for the Establishment of Unemployment and Social Insurance.

To the Honorable Senate and the House of Representatives of the United States of America, and the Honorable President of the United States of America:

THAT WHEREAS, in the State of Montana, as well as in the nation as a whole, a serious condition of unemployment exists; that this deplorable condition is widespread and universal; that the present method of direct relief is breeding a dangerous discontent and is wholly destructive to the morale of a large and growing number of people to an extent of over fifty per cent of some of our counties;

THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Montana, the Governor concurring, earnestly request that the Congress of the United States be, and it is hereby respectfully urged to enact the Lundeen Bill, providing for the establishment of unemployment and social insurance.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives and each of the Senators and members of the House of Representatives of Montana in Congress, and to the President of the United States of America.

Approved February 9, 1935.

HOUSE JOINT RESOLUTION NO. 5

Memorializing the United States Senate to Ratify at the Instant Session of Congress the Treaty Between the United States of America and the Dominion of Canada for the Building of the Great Lakes-St. Lawrence Seaway.

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WHEREAS, There is pending before the United States Senate a treaty between the United States of America and the Dominion of Canada for the building of the Great Lakes-St. Lawrence Seaway; and

WHEREAS, This project has been under scrutiny and analysis by boards composed of the members of the Corps of United States Army Engineers, Economic Investigators of the Department of Commerce, the International Joint Commission, the United States St. Lawrence Commission and many other groups over a long period of years and has had the approval of four Presidents of the United States, of forty-six Senators of the United States and of both the Democratic and Republican Parties in convention assembled; and

WHEREAS, The International Joint Commission found that without considering the probability of new traffic created by the opening of the water route to the seaboard, there existed between the region economically tributary to the Great Lakes and oversea points, as well as between the same region and the Atlantic and Pacific seabords, a volume of out bound and in bound trade that might reasonably be expected to seek this route sufficient to justify the expense involved in its improvements; and

WHEREAS, the United States Great Lakes-St. Lawrence Commission found the construction of this shipway from the Great Lakes to the sea to be imperative both for the relief and for the development of a vast area in the interior of the continent; and

WHEREAS, The building of this seaway by affording easy and cheap communication to and from the interior of the continent would be the greatest farm relief measure ever passed; and

WHEREAS, no project now before the country in the Public Works or any other program for work relief begins to have the economic justification this project has and none will do so much to break the back of the depression as the money spent on this project would be for durable goods and labor;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of Montana and the Senate of the State of Montana concurring, that the State of Montana memorialize the Senate of the United States now in session and by the adoption of this resolution, the State of Montana does memorialize the Senate of the United States to ratify at the present session of the Congress of the United States the treaty between the United States of America and the Dominion of Canada providing for the building in ac-

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

cordance with the terms of said treaty a deep waterway canal connecting the Great Lakes with tidewater; and

BE IT FURTHER RESOLVED, That the Governor of this state is hereby requested to forthwith transmit to the Senate of the United States a properly authenticated copy of this Joint Resolution of the House of Representatives and the Senate of the State of Montana.

Approved March 5, 1935.

HOUSE JOINT RESOLUTION NO. 6

Joint Resolution Memorializing Congress to Use Granite and Natural Stone in Construction of Public Buildings.

To the Honorable Senate and the House of Representatives of the United States of America, and the Honorable President of the United States of America:

WHEREAS, The Federal Government is contemplating an extensive public works program, under which many public buildings will be erected throughout the United States; and

WHEREAS, The present status of unemployment in the granite and stone industries in the State of Montana and other granite and stone producing states is deplorable, it being estimated that from eighty to eighty-five per cent of granite and stone employees are on Federal relief; and

WHEREAS, The greater portion of the cost of finished granite and stone is incurred by labor; and

WHEREAS, From the standpoint of economy and prudent policy it is advisable that lasting and durable materials be used in the construction of public buildings:

NOW, BE IT THEREFORE RESOLVED By the House of Representatives of the State of Montana, the Senate concurring, that Congress be respectfully urged and petitioned to enact legislation, or to otherwise take appropriate action to require that granite and natural stone be used in the construction of public buildings to be erected under the public works program; and that the Secretary of State be instructed to send copies of this resolution to the President, Vice-President, Secretary of the Treasury of the United

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States, and to the members of the Congress from the State of Montana.

Approved March 5, 1935.

HOUSE JOINT MEMORIAL NO 3

A Memorial "Memorializing the President and Congress of the United States for a Grant of Land Containing a Hot Water Spring for the Use and Benefit of the State of Montana, as an Infantile Paralysis Sanatorium."

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, The President of the United States, Franklin Delano Roosevelt, has set aside January 30th of this year for the purpose of raising funds for sanatoriums for the relief of infantile paralysis; and,

WHEREAS, It is impracticable to send those in need of treatment to other State Sanatoriums; and,

WHEREAS, Montana was visited this past year by an epidemic of infantile paralysis, which will more than ever necessitate a means of treatment; and,

WHEREAS, There are remaining in the State of Montana several hot springs on vacant, unappropriated, unreserved, public land:

NOW, THEREFORE, BE IT RESOLVED BY THE JOINT ACTION OF THE TWENTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA, that the Congress of the United States be memorialized to grant to the State of Montana, a site containing a hot spring for the use and benefit of an infantile paralysis sanatorium.

BE IT FURTHER RESOLVED That copies of this memorial be forwarded to the President of the Senate and the Speaker of the House of Representatives and each of the Senators and members of the House of Representatives of Montana in Congress and to the Secretary of the Interior.

Approved January 31, 1935.

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HOUSE JOINT MEMORIAL NO. 4

A Memorial Memorializing Congress That They Take Appropriate Action to Force the Immediate Resumption of Work on the Polson Damsite by the United States, or the Lessee of Said Damsite.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, The Congress of the United States has and is enacting legislation for the social relief of the nation, and

WHEREAS, Funds have been appropriated for work-relief, and

WHEREAS, Work which has been started on this damsite located near Polson, Montana, should be completed in the interest of the water conservation plan of this state and the United States, and

WHEREAS, There are yet hundreds on relief in the western portion of Montana who would be greatly benefited by a work-project at this site, and

WHEREAS, The completion of the dam would furnish cheap power for Western Montana and water for the irrigation of the Flathead Valley as well as storage,

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Montana, the Senate concurring, that the Congress of the United States of America, be, and is hereby memorialized to take appropriate action whereby immediate resumption of work will commence on the Polson damsite by the Federal Government, or the lessee of said damsite, and

BE IT FURTHER RESOLVED, That a copy of this memorial be transmitted by the Secretary of the State of Montana to both Houses of the National Congress and to each of the Senators and Representatives in Congress from the State of Montana, and to the Secretary of the Interior.

Approved February 16, 1935.

HOUSE JOINT MEMORIAL NO. 6

A Memorial to the President of the United States of America Requesting an Investigation of Flood Control of the Yellowstone River.

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To the Honorable the President of the United States of America:

WHEREAS, During certain seasons of the year, especially in June and July, the waters of the Yellowstone River are greatly augmented by the melting of snow around the head waters of said river causing great damage to bridges and head gates of irrigation ditches and the flooding of farms with at times the destruction of livestock, and

WHEREAS, If said flood water, or a portion thereof, were impounded it would prevent such loss, and

WHEREAS, During the late summer and fall months of each year, the flow of water in said river falls to a small fraction of the amount during the high water period, making it difficult and in many cases impossible to secure sufficient water for the proper irrigation of many thousand acres of land, greatly reducing the growth of crops and frequently making it difficult to raise sufficient fodder to properly care for the livestock from the ranges during the winter months, and

WHEREAS, During the low stage of the river the water becomes contaminated and unfit for household use, endangering the health of all who are obliged to drink it, it being the only source of supply for almost the entire population living on the river from where it leaves the mountains to its junction with the Missouri, and

WHEREAS, If the flow was properly controlled it would assist materially in furnishing water for navigation during the low water period on the Missouri River, and

WHEREAS, Your memorialists believe that it is practicable to construct controlling works at or near where the river leaves the Yellowstone Lake that will retain a portion of the water from the melting snow and allow it to flow during the period of low water, it would correct the unfortunate conditions previously recited in this memorial and would also add to the beauty of the falls below by increasing the flow over the falls at the period when the majority of tourists visit the Park and would make the lake more attractive by keeping it at a more constant level, and

WHEREAS, the Yellowstone Lake has an area of approximately one hundred forty (140) square miles and the difference in the level of the water between high and low water is reported to be not more than eight feet, if that amount of water could be gradually released it is believed that would be sufficient to correct the unfortunate condition recited. It is not the thought of your memo-

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rialists to raise the level of the lake above its present high water level, and

WHEREAS, Your memorialists are advised that a new bridge is to be built to replace the one known as the fishing bridge crossing the river just below where it leaves the lake, we suggest that you cause an investigation to be made as to the advisability of combining the bridge with suitable gates or appliances for the proper control of the water, or if such construction is not practical, use such other method as may be suggested by competent engineers.

NOW, THEREFORE, Be it resolved by the House of Representatives of the State of Montana, the Senate concurring, that the President of the United States, be, and is hereby urged to consider the facts set forth and take such action as he may deem wise and proper.

BE IT FURTHER RESOLVED That the Secretary of State for Montana transmit a copy of this memorial to the President of the United States and to each of the Senators and members of Congress from Montana, and that they be urged to use their influence in support of this memorial.

Approved February 16, 1935.

HOUSE JOINT MEMORIAL NO. 9

A Memorial to the Congress of the United States, Requesting the Enactment of Legislation to Provide for Federal Aid to the Public Schools, and the Public School Systems, of the Several States, and Setting Forth the Emergency Which the Current Economic Depression Has Brought About, and Which Renders Financial Assistance to the Public Schools of the State of Montana Imperative.

To the Honorable Senate and the House of Representatives of the United States in Congress Assembled:

Your memorialists, the members of the Twenty-fourth Legislative Assembly of the State of Montana, the House and Senate concurring, respectfully represent:

THAT WHEREAS, There now exists throughout the State of Montana and the other states of the Union, a grave inequality in the opportunities afforded the youth of the nation to secure an education; and

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WHEREAS, This educational inequality is now so widespread and acute as seriously to handicap large numbers of children of school age, both in the State of Montana and elsewhere in the Union; and

WHEREAS, This inequality denies the children of the nation that fundamental, educational training which is essential for their upbringing and development as law-abiding, patriotic and substantial citizens of the Republic, and for the security and social stability of the nation; and

WHEREAS, This inequality exists because of many factors which are national in their scope; primarily, the unequal distribution of our national resources, and the concentration of our national wealth within the borders of a relatively small number of states; the inability of the several states to subject many forms of wealth, income and industry to local taxation, because of the nature and character of interstate commerce, and the diversion of the profits and income realized therefrom to centers of commerce, industry, and finance beyond the borders of the state of origin; the present and ever increasing tendency for capital to invest vast sums of money in tax-exempt securities with which the money markets of the nation are now glutted; and the large numbers of our population and of our school children who live in impoverished sections of the country which are incapable of producing sufficient wealth adequately to maintain the schools and school systems essential to the welfare of such children; and

WHEREAS, Because of these reasons, and others, the educational inequality mentioned cannot be eliminated by the action of any single state, or by any group of states, but constitutes a grave problem, nation wide in its scope, which calls for the intervention and action of the Federal Government and the Congress of the United States that the remedies invoked may be fair, equitable and just in their application to all people of all the states at the same time; and

WHEREAS, The education of our children in the public schools of the several states has now become no longer a matter of moment alone to the people of a single township or county, but, as well, to the citizens of California that the youth of Florida, Montana, and Maine, receive the rudiments of a common education universally calculated to train, mould, and produce citizens of a united country;

NOW, THEREFORE, BE IT RESOLVED: That it is the prayer of your memorialists that the Congress of the United States enact

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such legislation, and thereby make such provision, as will afford Federal aid to the State of Montana and to the other states of the Union, in an amount annually of at least \$25.00 for every child between the age of six and seventeen years, enrolled in the public schools of the several states, such aid to be distributed among those states for the use and welfare of their public schools and their public school system, and upon a basis and in a manner which will tend materially to equalize the educational opportunities afforded all of the school children of all the states, but which will not deprive the states themselves of the control, supervision, and management of the public schools within their borders; and

BE IT FURTHER RESOLVED: That this memorial be spread upon the Journals of the House and Senate of the State of Montana, and that copies thereof, properly attested, be forthwith transmitted to the Senate and the House of Representatives of the United States, in Congress assembled, to the Senators and Representatives in Congress from the State of Montana, and to the President of the United States.

Approved March 13, 1935.

HOUSE JOINT MEMORIAL NO. 12

Memorializing the Congress of the United States, and the Secretaries of Agriculture, and of the Interior, to Conduct a Thorough Investigation Into the Complaints of Ranchers Residing in the Tom Minor Basin, With Reference to the Action of the National Park Service, and the Game Preservation Association, in Withdrawing 43 Square Miles of Range Land From the Use of Said Ranchers, and Annexing Such Land to Yellowstone National Park.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled and the Secretaries of Agriculture and of the Interior:

WHEREAS, The National Park Service took 43 square miles of range land away from the local ranchers of Tom Minor Basin that formerly belonged to the Forest Reserve and annexed it to the Yellowstone National Park,

WHEREAS, Said ranchers reside at an altitude that makes it difficult to grow any crops other than hay,

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WHEREAS, Said ranchers are entirely dependent upon the stock growing industry for means of livelihood,

WHEREAS, The action of the National Park Service, and the Game Preservation Association in this instance has seriously curtailed their means of livelihood:

NOW, THEREFORE, BE IT RESOLVED By the joint action of the Twenty-fourth Legislative Assembly of the State of Montana, that the Congress of the United States, and the Secretaries of Agriculture, and of the Interior be memorialized to grant said ranchers a thorough investigation with reference to their complaint.

BE IT FURTHER RESOLVED That copies of this memorial be forwarded to the President of the Senate and the Speaker of the House of Representatives, and each of the Senators and members of the House of Representatives of Montana in Congress, and to the Secretaries of Agriculture, and of the Interior.

Approved March 13, 1935.

SENATE JOINT RESOLUTION NO. 1

A Resolution Memorializing the Congress of the United States for the Passage of Legislation Providing for the Immediate Conversion Into Cash of the Adjusted Compensation Certificate of the Soldier of the World War.

WHEREAS, There have been issued to the soldier participants of the World War, by the United States Government, Adjusted Compensation Certificates, which under the terms of the Act of Congress become due and payable in the year 1945; and,

WHEREAS, The present economic conditions have resulted in causing a great many of the soldiers holding Adjusted Compensation Certificates to become in distress and need of the immediate relief that will be afforded by such legislation; and,

WHEREAS, It becomes and is the duty of the Federal Government to give adequate care to those, who, having made personal sacrifice to preserve our form of free government, not as mendicants but as preferred creditors of the nation, are now in need of immediate relief; and,

WHEREAS, There are resident in the State of Montana approximately 25,000 veterans of the World War who would be benefited

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by the passage of legislation providing for the immediate payment of such compensation; and,

WHEREAS, The immediate payment of the Certificates of Adjusted Compensation will bring about the distribution and circulation of a large sum of money sufficient to materially assist in the relief of the present economic conditions which exist throughout the State of Montana.

NOW THEREFORE, BE IT RESOLVED By the Senate of the State of Montana, the House of Representatives concurring, that we do hereby petition the Congress of the United States of America for the passage of the pending Act of Congress to secure the immediate payment and conversion into cash of the Adjusted Compensation Certificates; and,

BE IT FURTHER RESOLVED That a copy of this memorial be transmitted by the Secretary of the State of Montana to the Senate and House of Representatives of the Congress of the United States and to the Senators and Representatives in Congress from the State of Montana and that they, and each of them, be requested to use all honorable means within their power to bring about the enactment of legislation by which the immediate payment of the Certificates of Adjusted Compensation be fully provided for.

Approved January 23, 1935.

SENATE JOINT RESOLUTION NO. 2

A Resolution Memorializing the Congress of the United States for the Passage of the Legislation for the Creation and Establishment of a Pension Benefit to be Paid to All Persons Over the Age of Sixty Years.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, There exists among employers of labor a widespread policy by which persons of over 45 years of age, willing and anxious to earn their livelihood are deprived of the opportunity of receiving employment; thus placing many such persons in a position of depending either upon friends and relatives or on public charity; and,

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WHEREAS, Many of the persons thus deprived of an opportunity to earn their support are by means of this policy adopted and enforced by employers of labor, unable to support themselves by means of their own efforts; and,

WHEREAS, Our social and economic welfare demand of the American people as a whole, that those, who, through no fault of their own, are thus deprived of the opportunity to earn a livelihood, be placed in a condition where their morale be sustained and they be neither made indigents or partakers of public charity; and,

WHEREAS, The burden of creating and maintaining the social and economic welfare is of greater magnitude than the State of Montana in common with other states, is able to carry on; and,

WHEREAS, there exists not only a widespread demand of persons over sixty years of age for the passage of legislation which will permit them to maintain their own self respect, but there also exists an unusually strong demand of persons under the age of sixty years, that those who have pioneered in the building and development of our country be justly and adequately provided for in their declining years,

NOW THEREFORE, BE IT RESOLVED By the Senate of the State of Montana, the House of Representatives concurring, that we do hereby petition the Congress of the United States of America for the passage of an Act of Congress embracing the principles of an old age pension benefit, such as the Townsend Plan or such other old age benefit plan as may be just and equitable to all persons over the age of sixty years.

BE IT FURTHER RESOLVED That a copy of this memorial be transmitted by the Secretary of the State of Montana to the Senate and House of Representatives of the Congress of the United States and to the Senators and Representatives in Congress from the State of Montana and they and each of them be requested to use all honorable means within their power to bring about the enactment of legislation by which an old age pension benefit be enacted into law.

Approved February 7, 1935.

SENATE JOINT RESOLUTION NO. 3

A Joint Resolution Providing for the Employment of Additional Help During the Twenty-fourth Legislative Session of the State of Montana.

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WHEREAS, It is necessary and desirable that the House and Senate each have a competent Law Clerk and an Assistant Law Clerk for the purpose of assisting the members of the Twenty-fourth Legislative Assembly of the State of Montana in looking up laws and in the drafting of bills and resolutions and otherwise assisting and advising the members of the Twenty-fourth Legislative Assembly of the State of Montana in connection therewith and generally with other matters that will come before said Assembly for attention and consideration, and,

WHEREAS, The Attorney General of the State of Montana, has advised the Employment Committees of the House and Senate that, on account of press of business in his office, he will not be able to render to members of the Twenty-fourth Legislative Assembly as much assistance as his office has heretofore rendered in assisting and advising members of the Legislative Assembly, and in the drafting of bills and resolutions for introduction by them, and,

WHEREAS, Such an emergency and extraordinary condition has arisen as is contemplated by Section 77 of the Revised Codes of Montana, 1921, which render this course and action necessary for the orderly and expeditious conduct of the business of the Twenty-fourth Legislative Assembly, therefore be it,

RESOLVED, By the Senate of the State of Montana, the House of Representatives concurring, that the Employment Committee of each House be, and hereby is, authorized and empowered to employ two additional employees, namely, a suitable and competent person as Law Clerk for the remainder of the Twenty-fourth Legislative Session at a salary of not to exceed Ten Dollars (\$10.00) per day for his services and also a suitable and competent person as Assistant Law Clerk for such time as may be deemed necessary for the remainder of the Twenty-fourth Legislative Session at a salary of not to exceed Seven Dollars (\$7.00) per day for his services, and that the duties of said Law Clerk and of said Assistant Law Clerk shall be to assist and advise the members of the respective Houses of the Twenty-fourth Legislative Assembly in looking up laws and in checking up on bills and resolutions and in the formulating and drafting of bills and resolutions to be brought before the Twenty-fourth Legislative Assembly for attention and consideration and otherwise as may be required by each respective House.

Approved January 24, 1935.

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SENATE JOINT RESOLUTION NO. 5

A Resolution Requesting the Enactment by Congress of the United States of Senate Bill No. 266 Now Pending in the Senate of the United States, Being a Bill to Provide for the Erection of a Public Historical Museum in the Custer Battlefield National Cemetery in Montana.

To the Honorable Senate and House of Representatives of the United States of America:

WHEREAS, The Custer Battlefield National Cemetery has heretofore been set aside on the site of the historic battle of the Little Big Horn River of June 25, 1876, and

WHEREAS, It is very necessary and desirable that a public historic museum be located at said National Cemetery for the purpose of housing the historic relics of said battle, as well as for a memorial to Lieutenant Colonel George A. Custer, deceased, and

WHEREAS, There is now pending before the Seventy-fourth Congress of the United States, Senate Bill No. 266, being a bill to provide for the erection of such a museum for the purposes aforesaid;

NOW THEREFORE, BE IT RESOLVED, By the Senate of the Twenty-fourth Legislative Assembly of Montana of 1935, and the House concurring, that it is the sense of this Legislative Assembly that the Congress of the United States should enact said Senate Bill No. 266 for the purposes therein and hereinbefore designated.

BE IT FURTHER RESOLVED, That a copy of this Joint Resolution be forwarded to both the Senate and House of Representatives of the National Congress, and to the Senators and members of Congress from Montana.

Approved March 13, 1935.

SENATE JOINT RESOLUTION NO. 7

A Resolution Requesting the Congress of the United States to Reimburse Roosevelt, Lake, Glacier, Sheridan, Blaine, Phillips, Hill, Big Horn, Pondera, Sanders and Rosebud Counties, Montana, and Other Counties Similarly Situated, by the Federal Government for Expenses Incurred by Said Counties in the Arrest and Trial of Indian Wards and for Their Maintenance While Imprisoned.

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To the Honorable Senate and House of Representatives of the United States of America:

WHEREAS, A large portion of Roosevelt, Lake, Glacier, Sheridan, Blaine, Phillips, Hill, Big Horn, Pondera, Sanders and Rosebud Counties, Montana, include large areas of the Fort Peck, Flathead, Blackfeet, Fort Belknap, Crow Reservation, Tongue River Indian Reservations respectively, the lands of which are not taxable, and

WHEREAS, There are from time to time numerous Indians, wards of the Government, confined in their respective county jails, the expense of arrest, trial and maintenance of which has to be borne by said counties,

NOW THEREFORE, BE IT RESOLVED BY THE SENATE of the Twenty-fourth Legislative Assembly of 1935, the House concurring, that the Congress of the United States be, and it is hereby respectfully urged to enact appropriate legislation at its earliest convenience to provide for the reimbursement of Roosevelt, Lake, Glacier, Sheridan, Blaine, Phillips, Hill, Big Horn, Pondera, Sanders and Rosebud Counties, Montana, and other counties, if any there be similarly situated, by the Federal Government for expenses incurred in the arrest and trial of Indian wards and for their maintenance while imprisoned.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Senate and House of Representatives of the United States, and to each of the Senators and Representatives from Montana in Congress.

Approved March 13, 1935.

SENATE JOINT RESOLUTION NO. 8

Providing That the Montana Rural Rehabilitation Corporation be Recognized and Designated as a Public Agency and Instrumentality of the State, for the Purpose of Assisting in the Rehabilitation of Individuals and Families as Self-sustaining Human Beings, and Authorizing the Various Officers, Boards, Courts and Governing Bodies of the State Now Engaged in the Relief of Destitution and Unemployment to Cooperate With Said Corporation.

BE IT RESOLVED By the Senate and House of Representatives of the State of Montana, concurring:

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Section 1. That the Montana Rural Rehabilitation Corporation, a Montana corporation with principal offices at Helena, in the County of Lewis and Clark, State of Montana, is hereby recognized and designated as a public agency and instrumentality of the state within the power and limitations of its charter, for the purpose of assisting in the rehabilitation of individuals and families as self-sustaining human beings by enabling them to secure subsistence and employment necessary to reduce the burden of public relief of the needy and unemployed.

Section 2. That the various officers, boards, courts, and governing bodies of the state now engaged in any way, in the relief of destitution and unemployment are hereby authorized to cooperate with the Montana Rural Rehabilitation Corporation for the purposes specified in Section 1 hereof.

Section 3. That this resolution shall take effect immediately after its passage and approval.

Approved March 14, 1935.

SENATE JOINT MEMORIAL NO. 1

A Resolution Memorializing the Congress of the United States, Endorsing the Passage and Approval of the Bill Introduced by the Honorable Burton K. Wheeler, United States Senator From Montana, Fixing the Free and Unlimited Coinage of Silver on a Basis of Sixteen Ounces of Silver to One Ounce of Gold.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the members of the Twenty-fourth Legislative Assembly of the State of Montana, the Senate and House concurring, respectfully represent as follows:

There is before Congress at the present time United States Senate Bill No. 70, introduced by Honorable Burton K. Wheeler, United States Senator from Montana, a measure providing for the free and unlimited coinage of silver on the basis of sixteen ounces of silver to one of gold.

We believe and maintain that international bi-metalism should be promptly accomplished if possible; but if not, then the United States as a creditor nation of the world and foremost in the interest

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of mankind and humanity at large should with the aid of as many nations as possible or if necessary alone in the common cause of humanity for their economic betterment proceed with bi-metalism on the ratio of sixteen ounces of silver to one ounce of gold. We believe in sound money, we do not want a cheap dollar but we do maintain that our nation and its people and humanity at large are sorely in need of sounder money, on a precious metal basis, sufficient in amount and adequately stabilized to meet the needs and requirements of our people at large.

NOW, THEREFORE, BE IT RESOLVED That it is the sense of your memorialists, the members of the Twenty-fourth Legislative Assembly, that we heartily and unqualifiedly endorse and urge the passage and approval of United States Senate Bill No. 70, introduced by Honorable Burton K. Wheeler, for the early, free and unlimited coinage of sixteen ounces of silver to one ounce of gold.

BE IT FURTHER RESOLVED, That a copy of this memorial be forwarded to the President of the United States, to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of the State of Montana in Congress.

Approved March 13, 1935.

SENATE JOINT MEMORIAL NO. 4

A Memorial to the Secretary of the Interior Relative to the Buffalo Rapids Reclamation Project and Requesting the Aid of the Federal Government in the Construction of Said Project.

To the Honorable Secretary of the Interior of the United States of America:

Your memorialists, the members of the Twenty-fourth Legislative Assembly of the State of Montana, the Senate and House concurring, respectfully represent:

WHEREAS, As a result of a period of drought, the residents along the Yellowstone River extending from Miles City to Glendive have exhausted approximately all their credit; and

WHEREAS, There is within said area an acreage of approximately 120,000 acres which can be reclaimed, and made available for the settlement and the creation of prosperous homes for 2,000 families, thus relieving distress and rehabilitating those now in need of Federal relief; and

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WHEREAS, Said Buffalo Rapids Project has been under consideration since the year 1894 and has been surveyed and its feasibility and practicability established by several experienced engineers; and

WHEREAS, Said tract of land is at present, and will continue as unavailable for useful purposes, until and when the same shall be reclaimed by the construction and operation of said Buffalo Rapids Project;

NOW THEREFORE, Be it Resolved, That it is the judgment of the Legislative Assembly of Montana, that the best interests of the residents of the Yellowstone Valley extending from Miles City to Glendive, and of the people of the State of Montana, that said project be constructed and the lands included within said tract be made available for settlement and the restoration of prosperous homes thereon; and

BE IT FURTHER RESOLVED, That the Secretary of the Interior be requested to direct the Reclamation Department to make an investigation as to said project, to approve of the construction thereof, and to assist in securing Federal aid for said construction of said project; and

BE IT FURTHER RESOLVED, That the Senators and Representatives of Montana and the Congress of the United States be requested to use all honorable means to aid in obtaining the purposes and objects hereof; and

BE IT FURTHER RESOLVED, That the Secretary of the State send to the Secretary of the Interior and to the Senators and Representatives of the State of Montana and the Congress of the United States a copy of this resolution.

Approved March 13, 1935.

SENATE JOINT MEMORIAL NO. 5

A Joint Memorial to the Honorable House of Representatives of the United States of America in Congress Assembled: "Requesting That the Department of Agriculture of the United States be Respectfully Urged to Withdraw the Orders Whereby it Seeks to Take to Itself as Against the Rights of the State of Montana and its State Fish and Game Department the Absolute and Exclusive Control of All Fish, Game and Fur-bearing Animals Lying Within the Boundaries of National Forests."

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

WHEREAS, On the 29th day of March, 1934, the Department of Agriculture of the United States promulgated its orders numbered G20A and T8½T, by which the Department of Agriculture seeks to take to itself as against the rights of the State of Montana and its State Fish and Game Department the absolute and exclusive control of all fish and game lying within the boundaries of national forests; and

WHEREAS, By such orders vast areas of land and a majority of the waters in this state containing game fish are affected; and

WHEREAS, By the said orders the labors and expenses heretofore incurred by the State of Montana and its Fish and Game Department for the protection and promulgation of fish and game are and will be largely nullified; and

WHEREAS, The said orders have been held unlawful by the Attorney General of the United States and the Attorney General of the State of Montana, and are a manifest violation of the spirit of the Admission Bill by which the State of Montana became a part of the Union; now, therefore

BE IT RESOLVED, By the Senate, the House of Representatives concurring, that the said orders G20A and T8½T issued by the United States, Department of Agriculture, under date of March 29, 1934, be, and they are hereby expressly disapproved and condemned.

BE IT FURTHER RESOLVED, That the Department of Agriculture of the United States, be, and it is hereby respectfully urged to withdraw the said orders.

BE IT FURTHER RESOLVED, That copies of this resolution be forthwith forwarded by the Secretary of State to the United States Department of Agriculture, to the President of the United States and to the Senators and Representatives in Congress from this state.

Approved March 13, 1935.

CHANGES OF NAMES REPORTED IN 1933-1934

Date of Judgment	Original Name	Name Decreed	Residence
Feb. 8, 1934.....	Gunnar C. Elia.....	Gunder Strand.....	Chester, Montana
Nov. 19, 1934.....	Ilio Phillip Cotchoff.....	Ilio Phillips.....	Valentine, Montana
Nov. 19, 1934.....	Mary Cotchoff.....	Mary Phillips.....	Valentine, Montana
Nov. 19, 1934.....	Lewis Cotchoff.....	Lewis Phillips.....	Valentine, Montana
Nov. 19, 1934.....	George Cotchoff.....	George Phillips.....	Valentine, Montana
Nov. 19, 1934.....	Eldon Cotchoff.....	Eldon Phillips.....	Valentine, Montana
Nov. 19, 1934.....	Stanley Cotchoff.....	Stanley Phillips.....	Valentine, Montana

APPENDIX

APPENDIX

The following Constitutional Amendments, adopted by vote of the people at the general election held November 6, 1934, became effective by virtue of the Governor's proclamation on December 6, 1934:

CHAPTER 80

An Act Providing for the Submission to the Qualified Electors of the State of Montana an Amendment to Section Five, Article XVI, Granting the Board of County Commissioners the Power to Consolidate County Offices, and Providing the Procedure for the Consolidation of County Offices.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section Five of Article XVI of the Constitution of the State of Montana, be amended, provided that the question of the said amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That Section Five of Article XVI of the Constitution of the State of Montana be amended so that, as amended, the same shall read as follows:

“Section 5. There shall be elected in each county the following county officers:

One County Clerk, who shall be Clerk of the Board of County Commissioners and Ex-officio Recorder; one Sheriff; one Treasurer, who shall be collector of the taxes, provided, that no person shall hold the office of County Treasurer for more than two (2) consecutive terms; one County Superintendent of Schools; one County Surveyor; one Assessor; one Coroner; one Public Administrator. Persons elected to the different offices named in this section shall hold their respective offices for the term of two (2) years, and until their successors are elected and qualified. Vacancies in all county, township and precinct offices, except that of County Commissioners, shall be filled by appointment by the Board of County Commissioners, and the appointee shall hold his office until the next general election; provided, however, that the Board of County Commissioners of any county may, in its discretion, consolidate any two (2) or more of the within named offices and combine the pow-

SESSION LAWS

ers and duties of the said offices consolidated; however, the provisions hereof shall not be construed as allowing one (1) office incumbent to be entitled to the salaries and emoluments of two (2) or more offices; provided, further, that in consolidating county offices, the Board of County Commissioners shall, six (6) months prior to the general election held for the purpose of electing the aforesaid officers, make and enter an order, combining any two (2) or more of the within named offices, and shall cause the said order to be published in a newspaper, published and circulated generally in said county, for a period of six (6) weeks next following the date of entry of said order."

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot as provided by law and shall be voted on at the general election to be held in November, 1934. On the principal ballot to be used at said election shall be printed thereon the words:

☐

For an amendment to the Constitution relating to the consolidation of county offices.

☐

Against an amendment to the Constitution relating to the consolidation of county offices.

The elector shall designate his preference for either of the propositions by marking an "X" before the proposition he desires.

Section 4. The votes cast for and against this amendment above proposed shall be counted and canvassed as is provided by law, and if a majority of all votes cast, at such election for and against such amendment, be in the favor of such amendment the Governor of the State of Montana shall so declare by public proclamation, and the same shall be in full force and effect as a part of the Constitution after the date of such proclamation.

Section 5. This Act shall be in full force and effect immediately upon its passage and approval.

Approved March 7, 1933.

CHAPTER 83

An Act to Submit to the Qualified Electors of the State of Montana an Amendment to Article 12 of the Constitution of the State of Montana, Relating to Revenue and Taxation, Adding Thereto a New Section, Providing for the Levy and Collection by the

TWENTY-FOURTH LEGISLATIVE ASSEMBLY

State of Taxes Upon Incomes and the Distribution of Said Taxes to the Public Schools and to the State Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Constitution of the State of Montana be amended as hereinafter provided and that the question of such amendment be submitted to the qualified electors of the State of Montana for their approval or rejection at the general election to be held in November, 1934.

Section 2. That the Constitution of the State of Montana be, and the same is hereby amended by adding thereto a new section to be known and designated as Section 1(a) of Article 12, reading as follows:

“Section 1 (a) of Article 12. The Legislative Assembly may levy and collect taxes upon incomes of persons, firms and corporations for the purpose of replacing property taxes. These income taxes may be graduated and progressive and shall be distributed to the public schools and to the State Government.”

Section 3. Separate official ballots shall be provided at the general election to be held in November, 1934, which shall have printed thereon “PROPERTY TAX RELIEF AMENDMENT”, followed by all of Section 1 (a) of Article 12 of the Constitution of the State of Montana as proposed by this Act. There shall also be printed on said official ballots, below the said section, squares and the words as follows:

☐

For the foregoing amendment to the Constitution.

☐

Against the foregoing amendment to the Constitution.

Each elector who approves this amendment shall mark an “X” in the first square above printed and each elector who rejects it shall mark an “X” in the second square.

Section 4. The votes cast for and against this amendment above proposed, shall be counted, canvassed and determined by such officials, and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the Governor of the state shall so declare by public proclamation and the amendment shall be in full force and effect as a part of the Constitution from and after the date of such proclamation.

SESSION LAWS

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

GENERAL INDEX

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